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# THE IRISH BAR;

COMPRISING

ANECDOTES, BON-MOTS, AND BIOGRAPHICAL  
SKETCHES

OF

THE BENCH AND BAR OF IRELAND.

BY

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THE MUNSTER CIRCUIT," ETC.

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TO  
THE RIGHT HONORABLE EDWARD SULLIVAN,  
MASTER OF THE ROLLS IN IRELAND,  
IN TOKEN OF ADMIRATION  
FOR HIS EMINENT ABILITIES AT THE BAR AND ON THE BENCH,  
*This Work,*  
RELATING TO THE PROFESSION HE ADORNS,  
IS MOST RESPECTFULLY DEDICATED BY  
THE AUTHOR.



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## INTRODUCTION.

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THE greater number of the most renowned Irishmen in modern times have been barristers. In Oratory, I may name Grattan, Curran, Plunket, Bushe, Shiel, and O'Connell; as Statesmen, Hussey Burgh, Ponsonby, and FitzGibbon; as Advocates, Yelverton, the two Pennefathers, Holmes, Waggett, Deane Grady, Jonathan Henn, and Goold; as Poets, John Anster, LL.D., John F. Waller, LL.D., Sir Samuel Ferguson, LL.D., D. F. MacCarthy, M. J. Barry, and Thomas Davis. There were others, less known to fame—men who sought convivial society in preference to professional toil, yet who earned reputations worth preserving; the Wits and Humorists of the Irish Parliament and the Bar; men who possessed more wit than wisdom, more *bon-mots* than books, more brilliancy than briefs. Towards the close of the last century, Irish society, especially in the Irish Metropolis, was peculiarly suited to the genius of such men. The Capital was in a continual whirl of dissipation and revelry. An admirably-written book in my possession—printed for private circulation

amongst the family of the distinguished authoress,<sup>1</sup> who moved in the Viceregal circle in Dublin, and from which I quote—gives several admirable pictures of life in Dublin immediately before the Union, and nothing could be more lively and animating. Then the social, joyous spirit of such men as pleasant Ned Lysaght, Jerry Keller, refined and polished Charles Kendal Bushe, amusing and ready Toler Lord Norbury, caustic, yet humorous Harry Deane Grady, keen and comical Standish O'Grady, Lord Guillamore, had full play. The sayings and doings of these entertaining individuals linger yet as traditions of a past generation; their day is gone. If wisdom prevails upon the Irish Bench, and forensic excellence is the rôle at the Irish Bar, the ready jest and prompt *bon-mot* is rarely heard. A worthy son of *Minerva*<sup>2</sup> occupies the chief seat on the Exchequer Bench, who would as soon imitate the vulgar slang of Chief Baron O'Grady, as would the late Chief Baron Pigot. Though a voice racy of the soil now pronounces the decisions of the Chief Justice of the Common Pleas, the volleys of puns, as from Chief Justice Lord Norbury, do not rattle from that Bench. So with the Bar as with the Judges.

To preserve what is worth preserving of these old days, to enable our contemporaries and posterity to learn what manner of men those men of a past genera-

<sup>1</sup> Mrs. Howard, of Corby Castle, Cumberland.

<sup>2</sup> Chief Baron Palles.

tion were—how they lived and laughed—is the task I have undertaken. My object being to mingle amusement with information, the reader will find if I “extenuate nothing,” I have assuredly “set down nought in malice.”

J. R. O’FLANAGAN.

GRANGE HOUSE, FERMOY,  
*September 1, 1878.*



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# THE IRISH BAR.

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## CHAPTER I.

### THE RIVAL COACHES.

Charges against Sir Charles Porter, Lord Chancellor of Ireland.—Defends himself successfully in the House of Commons.—The Chancellor's Coach overtakes the Speaker's Coach, and tries to pass.—Rage of the Speaker.—He brandishes his Mace before the Chancellor's Coachman.—The Chancellor gives precedence to the Speaker, but complains.—The Commons say no offence was intended.—Sir Robert Rochfort.

ON a dark and wintry night, towards the close of October, 1695, the Speaker of the Irish House of Commons—Robert Rochfort—was returning home rather crestfallen, from the House of Commons. He was at variance with the Lord Chancellor, Sir Charles Porter, who had been charged by several members of the Commons with various high crimes and misdemeanours, such as taking excessive fees, using power above and against law, being a favourer of Papists against Protestants, and acting partially in various cases.<sup>1</sup>

The Lord Chancellor went to the House of Commons on 25th October, 1695, and was admitted with his purse, a chair being placed for him on the right

<sup>1</sup> Com. Jour., vol. ii. p. 76.

hand, within the bar. He laid down the purse and his hat, and, at the back of the chair, uncovered, was heard what he could say on the Articles exhibited against him.<sup>2</sup>

His speech was, I make no doubt, a masterly one, unfortunately there exists no report of it. But the result was a triumph to the Lord Chancellor. On the question being put "That what Sir Charles Porter, Lord Chancellor of Ireland, said to the House in relation to the matters contained in the Articles exhibited against him, is satisfactory to the House without any proof." The House divided. There were for the affirmation 121 to 77. The result was—the Articles were abandoned, and the witnesses summoned in support of same were discharged from attendance.

The Chancellor's triumph no doubt galled Mr. Speaker, who was at enmity with Sir Charles, and, as I stated, was proceeding homeward after the unusually protracted sitting of the House of Commons. His route, from Chichester House, where the Parliament then met, towards Chancery Lane, Dublin, then a fashionable locality adjoining the Four Courts, which were held in Christ Church Lane, was through Essex Street, a narrow thoroughfare, running nearly parallel with the River Liffey. It was called after the brother of the then Lord Lieutenant—Arthur Capel—Earl of Essex—and was the chief route towards the place in which the Lord Chancellor, judges, eminent lawyers and dignitaries connected with the law had their mansions, from the Houses of Lords and Commons. As the Speaker's heavy coach rolled over the paved

<sup>2</sup> Com. Jour. Ir., vol. ii. p. 108.

streets few lights glimmered from the windows on either side, for the citizens were nearly all abed, to be ready for the morning's work. No public lights, neither oil lamp or its successor—the brilliant gas—shed a gleam upon the confined space over which the cumbrous vehicle of the period slowly proceeded. Had any of the inhabitants, roused by the rumbling noise, looked forth, he might have witnessed a strange scene,—another coach, even more pretentious in gilding and heraldic blazoning than the first, with rich coat-of-arms on the panels, and a bewigged coachman before, and a couple of footmen behind, was vainly endeavouring to drive past the coach containing Mr. Speaker. Both carriages were nearly abreast, when a stray gleam, lighting up the street, revealed to the Speaker the Chancellor's coach, close beside his own, and the coachman, apparently trying to pass in front. Rage and anger at this apparent rudeness, roused the ire of the Speaker. It was not enough that the Chancellor should triumph over him in the Senate, but that his coachman should insult him in the street. He let down the window, and, in a peremptory tone, desired the Chancellor's coachman to keep back. This mandate being either unheard or disregarded, Mr. Speaker sprang from his coach, and, regardless of damage from horses' hoofs, coach-wheels, or the mud of Essex Street, caught the reins of the Chancellor's horses, and nearly brought them—if he failed to bring their master—on their knees. With a want of respect for his high station, which, in his cooler moments, he never would have shown, he directed the Speaker's mace to be displayed before the astonished

eyes of the Lord Chancellor's coachman, declaring, in excited tones, "That he would be run down by no man, and would justify what he did." The Chancellor, if he did not preserve his gravity during this ridiculous scene, preserved his temper and his seat. He kept his mace quiet, and allowed the Speaker's coach precedence while their roads lay the same. The Chancellor, however, thought it right to bring the matter before his House, as he considered the Speaker's conduct designed as an insult to himself. Probably aware of the *animus* felt by the Speaker of the Commons towards their Speaker, the Lord Chancellor, their Lordships sent the Chancellor's statement to the members of the House of Commons, and required an answer. The answer showed that, if the Speaker was for the time deprived of common sense and regard to the dignity of his high office, the other members of the Irish House of Commons were more reasonable. Accordingly they returned an answer to the message from the Lords "That the meeting of the coaches being purely accidental, could in nowise be regarded as a designed affront to their Lordships in the person of their Speaker."<sup>3</sup>

Therefore the affair went no farther.

The career of the Speaker, Sir Robert Rochfort, shows he reached high rank in the legal profession. He succeeded Sir John Temple as Attorney-General in 1694, and continued in office until 1707, when, on the elevation of Chief Baron Freeman to the Chancellorship, Rochfort became Chief Baron. He presided over the Exchequer until 1714.

<sup>3</sup> Lords' Jour. Ir., vol. i. p. 500.

## CHAPTER II.

## TRIED BY HIS PEERS.

Intemperance in Ireland.—Public-houses in Dublin in 1680.—Convivial Habits of Irish Gentry.—Judges not exempt from this vice.—Sir Toby Butler.—Lord Santry kills Laughlin Murphy.—Tried by his Peers in 1739.—The Trial.—Conduct of Bowes, Solicitor-General, described.—Lord Santry found guilty and sentenced to death, but allowed to escape.—Trial of Lord Netterville.—Acquittal.—Romantic case of Robert, Earl of Kingston.—Henry Fitzgerald, illegitimate son of Lady Kingsborough's brother.—Brought up with the family.—Enters the Army and becomes Colonel.—His base ingratitude.—Induces Hon. Mary King to elope with him.—Grief of her family at her disappearance.—Pretended sympathy of Fitzgerald.—A servant discloses his treachery.—Miss King recovered and carried to Ireland.—Duel between Colonel King and Fitzgerald.—Stranger at Mitchelstown.—Lord Kingsborough follows to Kilworth.—Refuses to admit Lord Kingsborough.—Door of bed-room forced, and Lord Kingsborough shoots Colonel Fitzgerald.—Becomes Earl of Kingston.—Tried by his Peers in 1798.—Address of Earl of Clare, Lord High Steward.—No evidence.—Earl of Kingston acquitted.

It is not often the historian has to relate the trial of an Irish Peer, but, as accidents happen in the best regulated families, so the annals of Erin are not wholly free from such events. The fearful extent to which intemperance has for centuries prevailed in Ireland caused much of the crime which stained the legal records of the land. We learn from Sir William Petty's census in A.D. 1682 that, out of the 6025 houses then

constituting the Irish metropolis, no less than twelve hundred were public-houses for the sale of intoxicating drink. This deplorable evil seems to have increased with time. In 1798 Thomas Street, in Dublin, had nearly one-half of its houses devoted to the sale of whiskey. Dr. Rutty, the historian of Dublin, gives an account of the quantity of claret imported for the exclusive use of the Irish gentry in one year, 1763. It amounted to 8000 tuns. The quantity of wine which could be drunk by seasoned toppers was several bottles. I think some members of the Cherokee Club boasted of drinking six bottles each. Port wine was not much used until the middle of the eighteenth century. The convivial meetings throughout Ireland were usually drunken orgies. If any guest left the table, intending to return, pieces of paper were placed in his glass, to indicate the number of times the decanter had circulated during his absence, and he was expected to swallow a bumper for each, or, in lieu thereof, an equal number of glasses of salt and water. It was the custom at some houses for the host to lock the dining-room door, that none of his guests could depart, and thus shirk his liquor. Others used bottles like soda-water bottles, which could only be passed from hand to hand, so there was no possibility of stopping the bottle. The stories told of this degrading intemperance in men of every rank, from the peer to the peasant, show how universal was this vice. A learned judge was said to have had a tube inserted in a metal pen, and with this he would take a quantity of brandy placed on the bench in a vessel bearing the shape of an inkstand. Another judge was asked if he saw a



learned brother dance. "Yes," he replied, "I saw him in a *reel*." Curran said of a third judge, who displayed maudling sensibility when condemning a prisoner to death, "though he did not weep, he certainly had a *drop in his eye*." There were lawyers who, it was reported, could not address juries without the aid of a libation, and we recollect how Sir Toby Butler, Solicitor-General in 1689, was pledged "not to drink a drop of liquor" until he made his argument in a case of vast importance, and acquitted himself so ably that Bench and Bar complimented him for his able speech; yet, when the Attorney expressed his conviction the success was owing to abstemiousness, "Not so fast, my friend," replied the jolly old toper, "perhaps it was the other way." "Why, Sir Toby," exclaimed the Attorney, "surely you have not broken your pledge?" "What was that?" demanded Sir Toby. "You pledged your word you would not *drink a drop* of liquor until you concluded your argument." "Nor have I," answered the barrister; "I did not *drink a drop*, but I soaked two fresh penny loaves in two bottles of claret, and *I ate them!*"

In the year 1730 a wild young nobleman, Lord Santry, with other young men of good family but disreputable conduct, were drinking at a rural tavern in the village of Palmerston, a few miles from Dublin. It was fair day, and many persons were in and out of this tavern. Lord Santry had reached that stage of inebriety when good-humour ceases and a disposition to grow quarrelsome prevails. He had taken the "cross drop," and his companions, being indisposed to tolerate his ill-humour, dropped off one by one. Lord

Santry then expended his wrath upon a man named Humphreys, and, as it was the custom for gentlemen at this time to wear rapiers, he proceeded to unsheath his rapier ; but it stuck fast in the scabbard, and, happily for Humphreys, his lordship failed in his efforts to draw. In a violent rage at this circumstance, Lord Santry left the room, and proceeded along a passage leading to the kitchen. While here he unfortunately met a man named Laughlin Murphy, who was usually employed as pot-boy and messenger. Finding Murphy in his way, Lord Santry gave him a push, and swore that "he would kill him if he spoke a word." Murphy made some reply, on hearing which the excited peer kept to his rash oath, for, tugging at his sword, he unsheathed it and plunged it into Murphy's body. The wounded man instantly exclaimed, "I'm killed!" No attempt seems to have been made to take the drunken peer into custody. He gave a four-pound piece of gold to the landlord of the tavern as recompense for the wound he inflicted on Murphy, and went away. The victim of his intemperance lingered from the 9th August to the 25th of September, 1738, when he died in Dublin, in a small lane called Hammond's Lane.

The law officers at that time were Robert Jocelyn, Attorney-General, and John Bowes, Solicitor-General. They took prompt steps to bring the offender to the bar of justice. He was arrested and indicted for murder. A true bill being found by the Grand Jury of the County of Dublin, a writ of *certiorari* was applied for and granted, removing the trial from the Court of King's Bench to the House of Lords, in order that the prisoner should be tried by his peers.

There was great bustle and flocking of individuals to the Parliament House on College Green on the morning of the 27th April, 1739, the day fixed for the trial of Lord Santry. Soldiers in uniform, civilians in their best attire, the battle-axe guards in their full equipments, all thronged the avenues to the Parliament House. There was a strong body of the city constables present, and, as the trial was fixed to take place at an early hour, the city was astir from daybreak. Troops lined the streets as early as seven o'clock, and at half-past seven the noble prisoner, only twenty-nine years of age, was conveyed in a coach, in the custody of the High Sheriff of Dublin, to the court wherein he was to be tried. The House of Commons affording more space than the House of Lords, was fitted up for this solemn investigation. The Peers were not so prompt in going forth as the citizens. The Lord High Steward was the Chancellor Lord Wyndham, and he held a levee in his mansion in St. Stephen's Green on that morning, at which the judges in their ermine, the King-of-Arms in his robes, the Gentleman Usher of the Black Rod, and the Serjeant-at-Arms attended. These high dignitaries escorted the Lord High Steward in his progress to preside at the trial. On this occasion, the *Black* Rod was changed for a *white* one, and the Serjeant-at-Arms bore a mace.

The chronicles of the time give a full account of the solemn procession. They tell us of the state observed—how twelve gentlemen led the way, marching bare-headed, two and two; then followed the Serjeant-at-Arms with the mace, and the seal-bearer with the purse, also uncovered; then his Grace the Lord High

Steward, in gorgeous robes, and his train-bearers, with Ulster King of Arms on his right, and the Usher of the Black Rod bearing the white wand of the Lord High Steward on his left. Then followed the chief and puisne judges, in scarlet and ermine. The gorgeous if cumbrous coaches, chiefly drawn by six horses, conveyed their "potent, grave, and reverend signors" to the Parliament House. They were met by four Serjeants with maces, and, on entering the High Court of Parliament, found the Peers already assembled. A chair of state, raised higher than those of other Peers, and surmounted by a rich canopy, was prepared for the Lord High Steward. Lord Wyndham bowed right and left as he proceeded to his place. The purse was laid on a small table beside him, and the Serjeant-at-Arms, with the mace, took his place near the table.

The proceedings were opened by the Clerk of the Crown of the King's Bench opening the Court, and the Clerk of the Crown in Chancery bearing the Commission from his Majesty, empowering the Lord High Steward to preside. These officials made their bows, and the Serjeant-at-Arms, having called aloud, "Oyer!" three times, the Clerk of the Crown of the King's Bench read the Commission: the Lords standing uncovered while it was reading. After an amount of bowing and reverences which it is unnecessary to relate, the Peers took their seats according to their respective rank. The indictment being read, the Clerk of the Crown asked the prisoner to plead, which he did by "Not guilty." He was then asked how he would be tried, to which he answered, "By God and my Peers." Then the Lord High Steward gave him in

charge to the Peers, and Robert Jocelyn, the Attorney-General, stated the case for the prosecution as I have already mentioned. The defence was "that the death of Murphy was not caused by the stab, but by a disease of long standing." But the masterly speech of the Solicitor-General (Bowes) fully answered this by showing that it was solely owing to the blow inflicted by the prisoner the disease owed his death, and the disease under which it was alleged Murphy laboured, would not have caused his death had not the sword of the prisoner entered Murphy's body. One of the spiritual Peers, Dr. Randle, Bishop of Derry, in a letter to a friend thus refers to the trial,—

"Poor Lord Santry was tried on Friday by his Peers. I never beheld a sight so awful and majestic and dreadfully beautiful in my life; and nothing was ever performed with such solemnity, silence, and dignity before in any country. The finest room in Europe filled with the nobility and gentry of the whole kingdom, and both sexes; the High Steward, every one of the judges, the Lords, the triers, and the noble prisoner—young and handsome, most decent in his behaviour, and with a becoming fortitude in his speaking—could not but compose the most affecting scene. All were so attentive that silence was not once proclaimed. The King's Counsel did admirably, but Bowes (the Solicitor-General) had an opportunity to show himself to the highest advantage. I always thought him an admirable speaker, but never imagined him half so great a man as I do at present, though I always loved and esteemed him. He did not use one severe word against the unhappy Lord, nor omitted

one severe observation that truth could dictate. I never heard, never read so perfect a piece of eloquence. Its beauty rose from true simplicity and unaffected ornament; from the strength and light of his reason, the fairness, and candour, and good nature of his heart; from the order and disposition of what he said, the elegance and fulness of his expressions, the shortness and propriety of his reflections, the music of his voice, and the gracefulness of his elocution. They were all wonderful indeed, and even those who were concerned and grieved were charmed with his most masterly performance. But if they did well, I think the counsel for the prisoner acted detestably. They only prompted him to ask a few treacherous questions, and spake not one word in his favour, though I have the vanity almost to think I could have offered a point of law that would have bid fair to save him. When the twenty-three peers returned to give their opinion, their countenances astonished the whole House; and all knew, from the horror of their eyes and the paleness of their looks, how they were agitated within before they answered the dread question, ‘Guilty, upon my honour;’ and he was so, most certainly, according to law; nor could they, perhaps, have brought in their dreadful verdict otherwise.” The Bishop blamed the surgeon who attended the deceased. Instead of sending him to an hospital, he kept the wounded man in a miserable room, damp, and his bed a mere litter of straw, without the commonest necessaries for comfort. According to the Bishop’s notion, the surgeon caused the man’s death, and this probably was the point he thought could be urged, and a very fair one if it was.

I remember the late George Bennett, Crown prosecutor on the Munster circuit, used sometimes to raise a laugh at a medical witness in a case of death by his interrogation, 'Well, doctor, you attended the deceased?' 'Yes.' '*And he died accordingly.*'"

There was strong hope of a reprieve for Lord Santry. The Bishop says, "It is the King's office and delightful prerogative to show mercy. May he do so now! What a constitution do we live under, when the blood of the meanest of the King's subjects shall be required from one of the highest. The prisoner behaved, since his condemnation, in a manner which makes people speak of him with double pity. Even the poor in the streets weep for him. His former character, it is confessed, was bad; this will make him a new man, this will purge his heart from every folly—a successful though dreadful medicine—if he survives it."

The powerful interest put forth in his case was successful. The Viceroy, Duke of Devonshire, and all the peers who were connected with the Santry family, used their entreaties, and obtained first a reprieve, and, finally, a pardon.

But the pardon was not easily obtained. It is generally attributed to a threat of Lord Santry's uncle, Sir Compton Domville, proprietor of Templeogue, near Dublin. The river Dodder was then the chief supply of water for the use of the citizens, as the Vartry is now; and, when there was a refusal to spare the prisoner's life, it is said, his uncle expressed his determination to divert the stream of the Dodder from the city, unless Lord Santry's life was spared: that to



avoid this calamity, the prisoner was allowed to escape, which he did, into Italy, where he died.

The next trial of a peer took place only a few years later. It was also on an indictment for murder. Nicholas, fifth Viscount Netterville, was arraigned before the Lords of Ireland for the murder of one Michael Walsh, in the county of Meath. The trial took place in 1743, when Lord Jocelyn (Lord Chancellor) presided as Lord High Steward. The counsel for the Crown were the Prime Serjeant Anthony Malone Bowes, the Attorney-General, and St. George Caulfield, Solicitor-General. As spiritual peers were not entitled to interfere in criminal trials, leave was given them to remain away. The same ceremonies as those observed in the case of Lord Santry were used, but the case fell to the ground. Two principal witnesses had died since making their depositions, and their depositions could not be read in evidence. So when the Lord High Steward put the question, "Whether Nicholas, Lord Viscount Netterville, is guilty of the the felony whereof he stands indicted, or not guilty?" each peer being called *seriatim*, beginning with the last created Baron, declared, upon his honour—standing in his place uncovered—and laying his right hand on his breast, that Lord Netterville is not guilty."

Thereupon the Lord High Steward broke his white wand, and adjourned the House.

The next peer tried was Robert, third Earl of Kingston, in 1793, for the murder of Colonel Fitzgerald. This case is truly a Romance of the Peerage, and may be thus told.

Robert, the second Earl of Kingston, had married,

during his father's lifetime, in 1769, when Lord Kingsborough, Caroline Fitzgerald, only daughter of Richard Fitzgerald, Esq., at Mount Ophaly, county Kildare.

Lady Kingsborough had a brother, who died unmarried, but he left an illegitimate son named Henry Fitzgerald. From feelings of compassion Lord and Lady Kingsborough adopted this boy, and brought him up with their own children; their family was numerous, consisting of six sons and four daughters—brave and fair. Young Fitzgerald, having had all the advantages of education given to the sons of this family, grew up very handsome and accomplished. He evinced a preference for the military profession, and, with the influence of the Earl of Kingston, he speedily obtained a commission. Promotion must have been rapid in those days, for, while yet a young man, he reached the rank of colonel. He had married a very beautiful wife, with whom he resided at Bishops-gate, on the banks of the Thames.

It appears this unprincipled man took advantage of the confidence and trust his benefactors, Lord and Lady Kingsborough, reposed in him, to repay them with the blackest ingratitude. He gained the affections of one of their lovely, and singularly interesting daughters, the Honourable Mary King; and he succeeded so well in his hellish designs upon the peace and happiness of those who reared him, that he induced this artless girl to elope with him. In order to throw suspicion off the scent, he had the audacity to come every day to Lord Kingsborough's house and inquire of the afflicted parents, if there was any trace of the missing young lady. A shawl and bonnet of

hers were found on the bank of the Thames, so the river was dragged, but no trace of her could, of course, be found. Hand-bills were printed, posters placarded, the papers contained advertisements of rewards—all were fruitless. One day a piece of news brought hope to the aching hearts of the sorrowing parents. A post-boy, from London, who had seen one of the advertisements, informed Lord Kingsborough that he had been engaged by a strange gentleman to drive him to London from near Chiswick; that when passing near Kensington Gardens, they saw a young lady walking near the rails; the gentleman asked, "If she was going to town? and if she had no objection he would be happy to set her down." On this, she entered the coach, and he drove them to the end of Tottenham-court Road, where both got out; the gentleman paid him liberally, and they walked up Tottenham-court Road together. This tallied, as to time, with the date of Miss Mary King's disappearance, and induced Lord Kingsborough to redouble his efforts to trace her. Several days passed without any fresh news. At length the mystery was cleared up. A servant-girl demanded to see Lady Kingsborough, and was admitted. She held in her hand one of the bills describing the appearance of the missing lady, and, amongst other particulars, her abundance of light chestnut hair was mentioned. The girl said, "She thought it right to tell her ladyship that, some weeks back, a tall and handsome gentleman brought a young lady one evening, and they both lodged in the house where she was servant. She thought nothing particular about them till she saw the hand-bill describing

the missing daughter of Lord Kingsborough, and, next day, when she was putting the lady's bed-room to rights, she noticed her opposite the looking-glass cutting off her beautiful fair hair. This, at once, made the girl suspect their lodger was no other than the missing daughter of Lady Kingsborough, for whom the reward was offered, and so she came to say where the lady was."

Lady Kingsborough, greatly agitated, told the girl's singular tale to her husband, and, during the narration, who should come into the room, on his hypocritical visit of sympathy, but Colonel Fitzgerald?

The instant he appeared, the servant—utterly amazed—cried out, "My lady! that's the very gentleman who brought the young lady to our house."

Confounded at being detected, the vile seducer rushed from the house, and, afraid he would take his victim away, Lord Kingsborough lost not a moment in starting with the girl to trace his lost child.

He succeeded in discovering her, and brought her away, placing her for security in the family seat at Mitchelstown, in the county of Cork, Ireland; a residence, as he supposed, quite out of the reach of her betrayer. Meanwhile the Honourable Colonel King, second son of Lord Kingsborough, sent a friend—Major Wood—to demand a hostile meeting with the ungrateful Fitzgerald, and they met on Sunday, October 1, 1797, in Hyde Park. But so outrageous was Colonel Fitzgerald's conduct regarded by all honourable men, not one would act as his second. This did not prevent the parties exchanging shots, but both were unhurt. Though placed at ten paces they fired

repeatedly at each other without effect. When the fourth shot was fired, Colonel Fitzgerald said, "he wished to have advice from Major Wood, as a friend." Major Wood declared, "he had no ambition to be regarded as the friend of Colonel Fitzgerald; but as a friend to humanity, he thought Colonel Fitzgerald should acknowledge himself the basest of men, and then the duel might terminate." Colonel Fitzgerald was willing to allow "*he had acted wrong*," but this did not satisfy either Major Wood or his principal, so hostilities were resumed. When two more ineffectual shots were exchanged, Fitzgerald declared his powder was expended, and he had the assurance to ask for a supply from Major Wood. This was refused by the Major, though Colonel King was desirous of granting the request, in order to continue the duel. An adjournment was then arranged. The meeting was to be resumed in the same place next day, but it was prevented by the police.

Lord Kingsborough shortly after this time went to Ireland, and was told that a very suspicious-looking gentleman was staying at the Kingston Arms, the Hotel of Mitchelstown, then kept by an old servant of the Kingston family, named Barry. As Lord Kingsborough's daughter was deemed safe in the Castle, the anxious father's mind was easy about her, but on going to the hotel, to learn who the mysterious stranger was, he was told he—"the stranger"—no sooner heard Lord Kingsborough was expected at the Castle than he ordered a postchaise, and drove away. At that moment the postboy who drove him appeared, and from him Lord Kingsborough learnt the stranger

was staying for the night at Kilworth, a small town about six miles south-east from Mitchelstown. This inflamed the peer's curiosity, and he resolved to proceed at once to Kilworth, and have his doubts settled by seeing the man. Evening closed in ere he reached Kilworth, and the lights of the little inn burned bright in the October night. The innkeeper, Mr. Bartholomew Simmons, knew Lord Kingsborough well, and told him the gentleman who was driven over by the Mitchelstown postboy was then in the house, but had gone to his bedroom. Not knowing for certain who the stranger was, Lord Kingsborough desired the waiter to "ask the gentleman, with his compliments, to speak for a moment with Lord Kingsborough."

The waiter speedily brought back for answer, that the bedroom door was locked, and the inmate bade the waiter, "go away, and bring him no messages at that hour." Lord Kingsborough, his son, and a servant, then went upstairs, and found the door shut and locked. Admittance was demanded, and refused by that voice Lord Kingsborough most dreaded to hear—the voice of Colonel Fitzgerald! Excited, and enraged, the outraged parent pushed the door so violently that it gave way, and he stood in the presence of the man who had so foully wronged him. Colonel Fitzgerald stood with a pistol in either hand, but ere he could use them a report was heard; Lord Kingsborough fired, and shot the betrayer of his daughter. Dr. Pigot (father of the late Chief Baron Pigot), was sent for, but the unhappy colonel was mortally wounded, and soon after expired.

Lord Kingsborough went to Moor Park, the seat of

the Earl of Mountcashel, whose daughter was the wife of his eldest son, George. By the death of his aged father, on November 13th, 1797, he became second Earl of Kingston. He claimed the privilege of being tried by his peers when an indictment for murder was found against him.

The trial took place on the 18th May, 1798. The attendance of Peers was unusually large. The Marquises of Waterford and Drogheda, the Earl of Ormond, Lords Kinsale, Muskerry, Oxmantown—in short, two marquises, twenty-seven earls, fourteen viscounts, three archbishops—Armagh,<sup>1</sup> Cashel, and Tuam, thirteen bishops, and fourteen barons were present. Never was any procession conducted with more splendour. The House of Commons was once more fitted up for the momentous trial, and the Lord Chancellor, Earl of Clare, presided as Lord High Steward. After a number of reverences and bowings, the Commission appointing Lord Clare Lord High Steward was read. Then the indictment which had been found by the Grand Jury of the County of Cork, in which county the fatal occurrence took place, was read. The formal ceremonies concluded, the Earl of Kingston appeared at the entrance, escorted by the constable and deputy-constable of Dublin Castle, the latter having an axe, the edge turned from the prisoner. His lordship bowed to the High Steward and then to the Peers. This ceremony over, he knelt at the bar. On being bade to rise he again bowed to the Lord High Steward, who thus addressed him:—

<sup>1</sup> It would seem the presence of Lords Spiritual on these occasions may be allowed.



“ Robert, Earl of Kingston, you are brought here to answer one of the most solemn charges that can be made against any man—the murder of a fellow-subject. The solemnity and awful appearance of this judicature must naturally discompose and embarrass your lordship. It may, therefore, not be improper for me to remind your lordship that you are to be tried by the laws of a free country, formed for the protection of innocence and the punishment of guilt alone; and it must be a great consolation to you to reflect that you are to receive a trial before the superior judicature of the nation, that you are to be tried by your Peers, upon whose unbiassed judgment and candour you can have the firmest reliance, more particularly as they are to pass judgment upon you under the solemn and inviolate obligation of their honour. It will also be a consolation to you to know that the benignity of our law has distinguished the crime of homicide into different classes. If it arises from accident, from inevitable necessity, or without malice, it does not fall within the crime of murder, and of these distinctions, warranted by evidence, you will be at liberty to take advantage. Before I conclude, I am commanded by the House to inform your Lordship, and all others who may have occasion to address the Court during the trial, that the address must be to the Lords in general, and not to any lord in particular.” The Lord High Steward having concluded, the indictment was again read, whereon the Clerk of the Crown inquired, “ How say you, Robert, Earl of Kingston, are you guilty or not guilty of the murder and felony for which you stand arraigned ? ”

“Not guilty,” said the Earl. He was then asked, “How he would be tried?” to which he answered, “By God and my Peers.” Proclamation was then made by the Serjeant-at-Arms. “Oyez—oyez—oyez. All manner of persons who will give evidence upon oath before our Sovereign Lord the King, against Robert, Earl of Kingston, the prisoner at the bar, let them come forth, and they shall be heard, for he now stands at the bar upon his deliverance.” There was no evidence forthcoming to sustain the indictment, so the prisoner was pronounced “Not guilty.” This was the last trial of a Peer in Ireland.

## CHAPTER III.

JOHN SCOTT, FIRST EARL OF CLONMEL, LORD CHIEF  
JUSTICE OF THE KING'S BENCH.

Born in 1739.—Copper-faced Jack.—Called to the Bar in 1765.—An Irish patriot.—Extracts from his Autobiography.—Joins the Government.—Suspected by C. J. Fox.—Returned to the Irish Parliament.—Unpopularity in 1779.—Speech on the Declaration of Rights.—Alarming state of Ireland in 1782.—Becomes Chief Justice in 1784 and raised to the Peerage.—Mode of securing good shillings.—The Proprietor of the “Dublin Evening Post.”—Dies in 1798.

AMONG the strangest characters at the Irish Bar during the last century was John Scott. He was a native of the county of Tipperary, where he was born in 1739, and educated in the busy town of Clonmel, the capital of that fertile county. After graduating in the University of Dublin he became a law student, and even then was so noted for his unblushing impudence he obtained the *soubriquet* of Copper-faced Jack. Having acquired a smattering of law, he was called to the Irish Bar in 1765. He had no pretension to be considered a well-read lawyer, but he was extremely quick in mastering the details of each case, and in detecting the weak points of his adversary, which he pounced upon with the tenacity of a bull-dog and the skill of a sharp practitioner. He had tact to conceal any deficiency in his legal acquirements, and was esteemed a good adviser. He displayed great readiness, and was soon in considerable practice, especially at *Nisi Prius*

and in the Criminal Courts, where the fertility of his resources had full scope. He possessed a rich vein of comic humour ; and if a witness could not be shaken in his evidence he could be laughed out of court. Scott aspired to senatorial honours, and joined the ranks of the Dublin Liberals, who were led on by Doctor Lucas, a medical senator, who sturdily opposed the Government. Scott was made a King's Counsel, but this did not prevent him being one of the foremost democrats of the day. A curious diary of his, lately published,<sup>1</sup> enables me to give his autobiography to some extent.

Under the date Thursday, June 2, 1774, we read :—  
“I am, I believe, thirty-five years old this month. Just nine years at the bar, near five years in Parliament, about four years King's Counsel. To-morrow Friday, Trinity Term sits. I therefore resolve to enter upon my profession as upon a five years' campaign, at war with every difficulty, and determined to conquer them. I have given up wine. I will strive to contract my sleep to four or at most six hours in twenty-four ; give up every pursuit but parliamentary and legal ones. If I can realize 2000*l.* per annum I will give up business as a lawyer, or confine it merely to the duty of any office that I may fill. I will exert my industry to the utmost in law, and constitutional learning for these five years, so far as temperance, diligence, perseverance, and watchfulness can operate, and then hey for a holiday.”

It would appear as if he was examining how the

<sup>1</sup> Vide “Ireland before the Union,” by W. J. Fitzpatrick, Esq., J.P.

great men of former days distributed their time. He states :—"The most diligent distribution of time is two-thirds for business, one-third to sleep, exercise, eating, and drinking, and idleness. The next is one-half to business, the other to idleness and refreshment. The third is one-third to business, one-third to society, and one-third to exercise and sleep."

The learned barrister also laid down the following rules for his guidance in order not to be unprepared in Court. We can form some notion of his earnestness from the strong language he uses :—"The pains of the d——d are not equal to the horrors of going to Court unprepared, and the fact of losing your reputation, and going down in it. Whilst, therefore, you have an atom of business undone, give up every object, pursuit, pleasure, avocation, diversion, banish everything from your mind but business, the business of your profession. Quarter-of-an-hour to breakfast, one hour only to dinner, when alone; two to exercise, four to bed; quarter to rest in a chair after fatigue."

He allowed less time to sleep than Lord Coke, whose distribution of the twenty-four hours was thus :—

*Sex horas somno, totidem des legibus æquis.*

*Quatuor orabus, des epulasque duas.*

*Quod superest ultra sacris largire camcenis.*

I rather think John Scott never put in practice his axioms, for he appears to have been at all times foremost in the convivial parties of Dublin; and his engagement to abstain from intoxicating drink was, no doubt, influenced by the constant dissipation in which he was involved, and in which no one more freely indulged.

I suspect few Attorney-Generals rigidly follow such a course as Mr. Scott marked out for himself in case he became one. "He should rise at four in the morning. He should read without fire, standing if possible, until eight; he should exercise, bathe and dress at nine; he should see all persons until eleven; he should apply every minute to three in Court business, to four he should set down the report of the day. He should not drink wine at dinner, and eat but of few things, and not much. He should not drink wine after seven, and from eight to twelve he should apply to business."

Scott obtained the office of Solicitor-General for Ireland in the room of Godfrey Lill, appointed Justice of the Common Pleas on 13th December, 1774. Philip Tisdall, a very eminent leader of the Irish Bar, was then Attorney-General, and Scott and he were the Irish law officers until Tisdall's death in 1777, when Scott became Attorney-General and Privy Councillor. He was a man of very versatile talents, and could apply himself very closely to business when he liked. Scott and Flood had constant bickerings. As they were both entering the House of Commons the first night of the Session, Scott said, "Well, Flood, I suppose you'll abuse me again, as usual, this Session."

"No, Scott," replied Flood, "I will not. You were unknown and unnoticed when I began to abuse you. By abuse you became Solicitor and Attorney-General. By abuse you became a Privy Councillor; by abuse you may become a Chief Justice. No Scott, for the future I'll *praise you*."

Scott had a rough and ready style of eloquence,

which, joined to his great boldness and tact, made him a most useful ally and a formidable foe.

During the time Dr. Lucas led the Irish patriots, Scott, as I mentioned, was one of his noisiest adherents; but shortly after the accession of King George III. Scott showed an inclination to abandon the cause of his country for that of the Castle party. He was recommended to the notice of the Viceroy—Lord Townshend—by the Lord Chancellor, Lord Lifford, who induced him to support the Irish Government. “My Lord, you have spoiled a good patriot,” was his remark, when, yielding to the seductions of the Lord Lieutenant, he joined the Castle party. The great English statesman, Charles James Fox, when writing to Lord Northampton, the Irish Viceroy, in 1783, says, “I hear many of our friends disapprove of the idea of advancing Scott and FitzGibbon (the former was appointed Prime Sergeant, the latter Attorney-General). You know I am no enemy to coalitions; but take care when you are giving great things to oblige those to whom you give them, that you do not strengthen an enemy instead of gaining a friend.” Scott represented the borough of Mullingar since 1769, and was always ready to crush an opponent in the Commons with bullying words, or, if they failed, an appeal to the pistol. His unpopularity often placed him in danger. When great excitement raged in Dublin, during the time of the Irish Volunteers, and they marched round the statue of King William III. in College Green, Dublin, on the 4th of November, 1779, when field-pieces bore the inscription, “*A free trade or this*,” some of the roughs attacked Scott’s house in Harcourt Street, smashed the windows, and

sought him in the Four Courts. Scott complained loudly in the House of Commons of the violent conduct of the Volunteers; Yelverton, who defended them, he stigmatized as *the seneschal of sedition*. Yelverton retaliated, and, in return, called Scott "the uniform drudge of every administration." An address was agreed to, that the Lord Lieutenant should offer 500*l.* for the discovery of the rioters.

Scott occasionally showed popular leanings. On the Declaration of Right being moved to the effect:—"That Ireland should only be bound by laws enacted by the King, Lords, and Commons of Ireland;" Scott, then Attorney-General, courageously said, "Events had taken place since the last meeting of Parliament that made it indispensable on him to declare his opinion *now*. The Bill proposed by Mr. Yelverton, supported by so many members of distinguished abilities and virtue, which he entirely approved of, had not yet been returned from England. The object of that Bill was to secure property, and to confirm other material topics—the subject of the British laws; and if that Bill was returned there could be no objection to declare that British laws were, in future, utterly inoperative; and not being returned, people have thought England insists upon that idle, useless, and pernicious power; he thought it therefore better that the object of the British laws should be doomed to destruction than that his country should be held in even a supposed state of absolute slavery. He therefore did as a lawyer, a faithful servant of the Crown, a well-wisher to both countries, and an honest Irishman, and in the most unqualified, unlimited, and



explicit manner, declare his opinion that Great Britain had no right whatever to bind this country by any law. If the tenure of his office (Attorney-General) was to be the supporting opinion and doctrines injurious to the undoubted rights of Ireland, he held it to be *an infamous tenure*. And if the Parliament of Great Britain were determined to be the Lords of Ireland, he was determined *not to be their villain* in contributing to it. I owe, he said, the avowal of these sentiments to Great Britain, to my country, and to myself."

These outspoken sentiments from the first law officer of the Crown in Ireland showed the temper of the time. A far-seeing politician, the Duke of Portland, was then Viceroy. He concludes a long letter, marked *Private*, directed to Mr. Fox, and dated Dublin Castle, April 28th, 1782, with these startling words, "I cannot conclude this letter without expressing my most anxious wishes for a speedy and favourable determination. There is still *an appearance* of Government; but if you delay or refuse to be liberal, Government cannot exist here in its present form, and the sooner you recal your Lieutenant, and moreover, all claim to this country, the better. But, on the contrary, if you can bring your minds to concede largely and handsomely, I am persuaded that you may make any use of this people, and of everything they are worth that you can wish, and in such a moment it will be happy for them that the Government of England shall be in hands that will not take undue advantage of their intoxication.

"Ever most sincerely yours,  
"PORTLAND."

Scott, however, lost his place, and was succeeded by Barry Yelverton as Attorney-General. Scott remained in the House of Commons until 1784. When Lord Annally, Lord Chief Justice of the King's Bench, resigned, Scott became Chief Justice, with the title of Baron Earlsfort, of Lisson Earl. In 1789 he was created Viscount Clonmel, and in 1793 advanced to the rank of Earl.

At the time the Earl of Clonmel was Lord Chief Justice a very undignified practice of paying his lordship a shilling for administering an oath was customary. As counterfeit coins, called Warwickshire shillings, were in circulation, the astute judge used the following formula to assure his not having a base coin passed upon him :—

“ You shall true answer make to such questions as shall be demanded of you touching this affidavit, so help you God. Is this a good shilling? Are the contents of this affidavit true? Is this your name and handwriting? ” Lord Clonmel was very arbitrary as a judge, and acted most oppressively against the liberties of the Press. He caused Mr. Magee, proprietor of the *Dublin Evening Post*, to be repeatedly cast into prison, chiefly because Magee held up to merited opprobrium the Sham Squire—a corrupt friend of the Chief Justice. Lord Clonmel's conduct was brought before the Irish Parliament by Mr. Curran and Mr. George Ponsonby. Lord Clonmel continued to preside over the Court of King's Bench until his death, which took place on 23rd May, 1798.

## CHAPTER IV.

RIGHT HON. WALTER HUSSEY BURGH, CHIEF BARON  
OF THE EXCHEQUER.

Born in 1743.—Called to the Bar in 1768.—Obtains a seat in the House of Commons.—Important Letter denying the right of Parliamentary Electors to exact pledges from Candidates.—Fine specimen of his oratory.—Appointed Prime Sergeant.—Loss of office.—Fragment of a noble speech.—Expression employed by him in 1769 used by Lord George Bentinck in 1846.—His Poetry.—Bon Mot.—Appointed Chief Baron.—His equipage.—Early death in 1783.—Tribute of Lord Temple, Lord Lieutenant.—His family left destitute.—Parliamentary grant for their relief.

No member of the Irish Bar or the Irish Senate deserves to be remembered by Irishmen more worthily than this illustrious man—yet, owing to the want of Law Reports, which preserve the decision of Courts and the arguments of Counsel, and the meagre state of Parliamentary reporting at this date, we have but faint traces of his talents. I have endeavoured to glean from various sources the means of compiling his memoir.

Walter Hussey—for such was his family name—was born in the South of Ireland, where his family occupied a respectable position, Anthony Hussey being Member for Tralee. Walter was born in 1743. He was educated in Dublin, at the school of Mr. Young, in Abbey Street. He took his degree in the University

of Dublin, where he was distinguished for his classical learning and ability as a poet. When he was called to the bar in 1768, the Duke of Leinster, a patron of Boroughs, gave him a seat in the House of Commons. The young lawyer had taken the name of Burgh, in addition to his family patronymic. His early speeches in the House were regarded as too much overlaid by poetical embellishments and classical quotations, but they displayed the richness of his imagination and the copiousness of his vocabulary. Dr. Johnson wisely said, "It is easier to top off redundancies, than to supply deficiencies," and a little experience in debate corrected any defects in Mr. Hussey Burgh's style.

When the general election in 1777 was at hand, many constituencies then, as in our own day, desired to obtain from their candidate a distinct promise to vote, and support some particular question of importance. Hussey Burgh's sentiments on this point deserve the greatest publicity. I found the following letter from his pen in the *Anthologia Hibernicæ*, vol. i. It is addressed to a friend, but was evidently intended for the electors of Trinity College, Dublin, —a constituency Mr. Burgh desired to represent :—

"DEAR HERBERT,—As I understand the business relating to a test, which was mentioned last night, is to be considered this afternoon at a large meeting, and as I am desirous that the same sentiments, which I have already expressed to some of the independent electors may be known to all of them, I take the liberty of troubling you with the repetition of them, which, if you think proper, you will communicate. If the test required should be nothing more than a solemn en-

engagement to act with integrity in the trust which you are about to repose in your candidates, there can be no other objection to it but the indelicacy of large professions which, in general, are little else than the eulogy of one's own virtue. However, if it be any satisfaction to gentlemen who espouse this measure, I will, and do, give them the most solemn assurance, that, while ever I have the honour to sit in Parliament, I will, to the best of my judgment, pursue the real interest of this kingdom, without suffering any motive of profit or advancement to warp my sentiments, or bias my vote. But, at the same time, that I make this declaration, I freely acknowledge that if gentlemen should have found no such promise in my conduct, they should pay but little attention to that of my pen. If, by the test in contemplation, it is proposed that your members should vote for or against any particular measure, I think it neither constitutional nor wise to enter into any previous promise by which deliberation shall be precluded; there is no seeing what new light may be thrown on a subject, or what new circumstances may alter the merits of a question. If the Member of an American Assembly had pledged his faith, some years ago, never to encourage a foreign trade in preference to that of the mother country, how different an aspect would such a question now wear from what could have been foreseen while the interests of Great Britain and her Colonies were one. Am I then to say, that I will steel my breast against conviction, and that I will regulate my conduct some years hence by the circumstances that now exist, without regard to what they may be at the time I am

to act? Am I to go to the House of Commons, liable to see changes and hear arguments that may convince me that what I think advantageous may prove ruinous to this kingdom, and shall I expose myself to the dilemma of voting for ruin, or breaking a solemn, perhaps, the most solemn of promises. Is he an honest man who, with his eyes open, will run the hazard of such an alternative? If, again, the test is intended to restrain your members from taking any place, pension, or emolument under Government; as to a pension, I freely assure you I never shall accept one, unless, perhaps, in this instance—if it should happen in the vicissitudes of affairs that I should grow old in an honourable employment; I will suppose, for example sake, on the bench—I should think it no disgrace to accept a testimonial of having faithfully discharged a duty I should be no longer able to fulfil. This is so remote and improbable a contingency, that I should not mention it but for two reasons; the one, as I intend these declarations to bind my whole life, I would suit them to every period of it; the other, that in disclaiming pensions in general, I would avoid throwing out an imputation on that just use of them whereby they are made the asylum of merit, instead of being the sanctuary of vice. I am an enemy to pensions, but the head that has long been wakeful for the public welfare, let it, at last, find a pillow to repose on; he who has long and laboriously cultivated the laurel, let him at last find a peaceful retreat beneath its honourable shade. As to the test precluding your members from accepting an active employment, I confess it strikes me as highly exceptionable. What-

ever is now determined by the College ought to set, and probably will set, an example to the whole kingdom. In what situation is it that a man can render best service to his country—where he can direct what is right, or where he is to oppose what is wrong; where he can preserve the fountain pure, or where he is to endeavour to purge the stream; where he can stifle mischief in its infancy, or where he must combat it if grown into a giant; where he can turn aside the uplifted shafts of power, or where he is to hold up his shield against them? But it will be said that experience tells us that men who come into office surrender their opinions at direction. Would to God there were more men who acted upon real principle! The designing patriot will always become the corrupt courtier. If a man has no principle, he will make good in jobs what he denies himself in office; if he has principle, he will be honest at all times, and in all situations. There are no slighter things than these paper kites which ride against the wind. But, though I will not promise never to be in office, I will, and do, most solemnly promise never to be corrupted in office. When I see things ill-conducted, I will not promise not to conduct them better. But no emolument of office shall ever induce me to increase my expense. By not making emolument necessary to luxury I will always be able to lay it down when it becomes inconsistent with my honour. In the armoury of virtue—truth is the sword and frugality the shield.<sup>1</sup> Would any man wish that Lord Chatham had never been

<sup>1</sup> It was much easier for Hussey Burgh to preach than to practice.

a Minister? had he taken such a test as is now thought of, England was undone. Should Lord Hardwicke and Lord Camden never have been Chancellors? Every man's own recollection will furnish a hundred examples. You think the ship in danger, you complain of those at the helm; you tell me you have some dependence in my skill, or, at least, my care; and what do you tell me? 'we will put you in the way of buffeting the man at the steerage, but if you venture to touch the rudder we will throw you overboard.' One word more, and I have done. Your endeavour is to cause some engagement to put it out of my power to desert the cause of truth. I will not conceal from you I have some ambition. I would not anticipate the harvest of an honest reputation, and reduce my exertion of virtue to the bare right of performance of an exacted promise. I aspire to represent the College; 'tis not to be in Parliament, but to be *thus* in Parliament. 'Tis the honour of your confidence that I seek; I shall never court the brand of your distrust.

"I remain, yours most faithfully,

"W. H. BURGH."

He was forthwith elected on his own honourable terms. It is a matter of congratulation that, in the absence of any lengthened record of Mr. Burgh's oratory, this letter, which is highly characteristic of his chaste and graceful style, should have been preserved. Mr. Phillips, in his valuable work, "*Curran and his Contemporaries*," in reference to Hussey Burgh, says, "I have heard but one sentence which has escaped un-



mutilated. Referring to the state of Ireland, coerced by oppressive laws into unusual resistance, and the embodiment of the Irish Volunteers, Mr. Burgh warmed into this classical allusion: 'Talk not to me of peace—Ireland is not in a state of peace; it is *smothered* war. England has sown her laws like dragons' teeth, and they have sprung up armed men.' We can well conceive how such a sentence, uttered with all the charm of impassioned delivery—a silver-toned voice—an action at once graceful and vehement, must have been received. A universal cheer burst from every part of the House, and was echoed back from the galleries." He was an honest politician (a rare occurrence at the time); and, while member for the Dublin University, he fulfilled, to the letter, the promise made in the letter above quoted: "Though I do not promise never to be in office, I will, and do promise, never to be corrupted in office." In 1776 he became Prime Sergeant, on the promotion of Prime Sergeant Dennis as Chief Baron of the Exchequer, with the title of Lord Tracton, and though no station could add dignity to Mr. Burgh, the Government felt that Mr. Burgh's services were most important to the Ministry. We can easily imagine the dismay of the Castle party, when, in 1779, he—the highest officer of the Crown—moved the following amendment to the address, which he prefaced by this outspoken declaration: "I never will support any Government in fraudulently concealing from the King the rights of his people. The high office which I possess can hold no competition with my principles and my conscience, and I shall consider the relinquishment of my gown as only a just sacrifice upon the

altar of my country. Strong statement, rather than patient supplication, is adapted to the crisis, and the amendment which I propose is—‘That it is not by *expedients* that this country is to be saved from impending ruin.’”

The bent faces and frowning brows of the Castle party warned the ardent patriot what would inevitably follow this bold speech. He felt they would take him at his word, and the loss of his office would be the consequence of his conduct. Addressing a friend who sat upon the bench beside him, Mr. Burgh said, “I have now sealed the door against my own preferment, and I have made the fortune of that man,” indicating Mr. Browne, his probable successor. His anticipations were soon verified. Under the date of Law Offices, in 1779, I find, “20 George III., June 14, James Browne, Prince Sergeant, Burgh resigned.”

Another fragment of one of Mr. Burgh’s orations has reached me, and displays the strength of his colossal mind, and his abandonment of self-interest. It was proposed by the Irish Government to send four thousand Irish soldiers to fight for the British rule in America during the War of Independence. Mr. Burgh would not consent to this while the unconstitutional power of taxation without representation was insisted on. Such I gather from all that I could find of this speech—his closing words: “Having no enemies to encounter, no partisans to serve, without passion, without fear, I have delivered my sentiments upon the present question—one of the greatest importance. I will not vote a single man against America without an accompanying address recommending con-

ciliatory measures. I foresee the conclusion of this war. If ministers are victorious, it will only be establishing a right to the harvest after they have burned the grain; it will be establishing a right to the stream after they have cut off the fountain. Such is my opposition—a method ill calculated to secure emolument or to gain popularity. My conduct will not please either party. But I despise profit, I despise popularity, if the one is to be gained by base servility, and the other purchased by blind zeal. Farewell profit, farewell popularity! if, in acquiring you, fair fame is to be the victim.”

These fragments sufficiently justify another great orator—Lord Plunket—who said of Hussey Burgh “that no modern speaker approached him in power of stirring the passions.” The Marquis Wellesley ranked him as a speaker superior to “Pitt, Fox, or Burke.”

I have discovered a term used in our time with great force by the late lamented Lord George Bentinck, to have been employed previously by Hussey Burgh, though, I am almost sure, Lord George Bentinck was not aware he had been thus anticipated. When describing the extreme corruption of the Irish Parliament of 1769, Mr. Burgh says, “Our members are returned by the fear or dependence, not the affection or choice, of the electoral body. Unaccountable for their conduct in Parliament, their venality is unrestrained, and universal corruption reigns in the House. They are the instruments of power—a set of men kept in regular pay—the janizaries of despotism.”

When Lord George Bentinck, in 1846, was taunting the late Sir Robert Peel with his shifting conduct on

the Corn Laws his Lordship said, "We used, sir, to be told by the right hon. Baronet he would not consent to be a minister on sufferance; but I think he must be blinded indeed by the flattery of those around him if he has not learnt that he is now a minister on sufferance, tossed from one side to the other, sometimes depending on honourable gentlemen opposite, sometimes on friends around me, supported by none *but his forty paid janizaries*, and some seventy other renegades, one half of whom, while they support him—express their shame in doing so."

To his great wisdom Mr. Burgh united sportive wit. When walking one day with a friend in Dublin they passed the mansion of a nobleman whose family acquired notoriety by a propensity for taking the goods of others—in short, confounding *meum* and *tuum*. The knocker on the hall door was a large iron hand. Burgh at once uttered this impromptu:—

"Could man Promethean fire command,  
To warm with life that iron hand,  
And touch it with a sense of feeling,  
Lord! *What a hand 'twould be for stealing!*"

On all the great questions which were brought forward in 1780, and the following year, Mr. Burgh took a prominent part, but these belong more to the political than legal history of Ireland, and my space does not admit of introducing them here. In 1781 his friends were in office, and he was reinstated in the office of Prime Sergeant. Still higher rank was soon to follow. On the 25th of June Lord Tracton died, and this left the Chief Baron's place in the Exchequer at

the disposal of the Government. It was at once offered to, and accepted by Mr. Burgh. It was an appointment gratifying to his tastes and vanity, for he was very ostentatious. The times were those of profuse extravagance, and then were laid the seeds which covered many an Irish estate with a plentiful crop of incumbrances. These incumbrances so overspread the country as to require exceptional legislation, and a separate tribunal is established—now one of the Courts of the kingdom—the Landed Estate Court. Chief Baron Burgh lived in grand style. He drove to Court in a coach and six horses, preceded by three outriders. This soon ended. A cold, caught in Armagh, while on circuit, was aggravated by the necessity of sitting all day in a chill Court-house, and fever supervened. The best medical aid was obtained, and the faculty summoned from Dublin, but all in vain. His illness terminated fatally, and in 1783—when only two years on the bench, at the early age of forty—Walter Hussey Burgh died.

All ranks mourned his untimely death. Lord Temple, then Viceroy, declared, “No one had that steady, decided weight which he possessed in the judgment and affections of his country, and no one had more decidedly that inflexible and constitutional integrity which the times peculiarly demanded.” Of course, a man who lived at the rate Chief Baron Burgh did could make no provision for his family. This is, alas ! a common event in Ireland, and, in my opinion, ought not to be so. A man having children is said to give “hostages to fortune,” and should take care and make provision to protect them from want. Chief

Baron Burgh left four daughters and a son totally unprovided for. Mr. Grattan appealed to Parliament for their relief, and, in feeling terms, "besought the House to intreat His Majesty to make provision for the family of the late Chief Baron, as a reward for his integrity and ability on the seat of justice, and the services he had rendered to the country."

This appeal was eloquently seconded by Mr. Yelverton, and generously responded to. Parliament settled two thousand a year on his family. The bitterness of party strife was forgotten in the general grief for his loss, and friend and foe mourned him in common.

A daughter of Chief Baron Burgh married Mr. Griffith, whose son Richard became the celebrated Chief Commissioner of Public Works in Ireland and a baronet. He died very recently, aged ninety-four. Another son, called after the Chief Baron, Walter Hussey Griffith, is a most estimable and respected member of the Irish Bar. He married a daughter of the Henn family. The eminent career of several members of this family will be found hereafter.

## CHAPTER V.

RIGHT HON. GEORGE PONSONBY.

Born in 1755.—Called to the Irish Bar in 1780.—Fondness for field-sports.—Made King's Counsel and gets a place.—Married Lady Mary Butler.—Change of Ministry occasions loss of office.—Mr. Ponsonby works at the Bar.—Supports the party willing to give full power to the Prince Regent.—Brings Lord Clonmel's conduct before Parliament.—Opposed to the Union.—Lord Chancellor of Ireland in 1806.—Death in 1817.

THIS Irish Parliamentary leader and distinguished member of the Irish Bar was the third son of the Right Hon. John Ponsonby, Speaker of the Irish House of Commons. George Ponsonby was born on March 5th, 1755, and very carefully educated. He became a student at Cambridge, where he took his degree, and, having studied for the Bar, was admitted to practice in 1780. But he did not, at first, devote himself zealously to professional labour. He was extremely fond of field-sports, and took more delight in chasing sly Reynard over hill and valley than in pursuing an intricate case through the mazes of special pleading. Next to field-sports, politics occupied Mr. George Ponsonby's attention.

The young lawyer, or his family, did not neglect the main chance. The Duke of Portland was Viceroy, and the Ponsonby family had influence; thus this barrister without a brief within two years after being called to the Bar was made a King's Counsel, and appointed

First Counsel to the Commissioners of the Revenue, with a salary of 1200*l.* a year. He was then in a position to support a wife, so he married Lady Mary Butler, eldest daughter of the Earl of Lanesborough.

What strange freaks of fortune occur from day to day! Truly—

“There is a destiny which shapes our ends,  
Rough hew them how we may.”

Again, in the words of the same renowned author,—

“Lo! even that which mischief meant most harm,  
Shall in the hour of trial prove most godly;  
Evil shall hack upon itself recoil.”

The recall of the Duke of Portland on a change of Ministry in England, and the substitution of the Marquis of Buckingham as Viceroy in Ireland, cost the newly-married counsel his place. Mr. Marcus Beresford was appointed to succeed Mr. Ponsonby as First Counsel to the Excise. This led to very great results in the future career of George Ponsonby. He had an aristocratic wife to support; the small hands of children were tugging at his gown. These required constant toil to procure them bread and butter, and, fortunately for them and for himself, he was equal to the call. The great legal store he laid in when a law student was now improved by use, and soon his professional gains amply compensated for the loss of his office. He no longer was seen, mounted on his spirited hunter, by the covert side, cheering, with mellow voice and echoing horn, the pack drawing within, but he was heard in the Four Courts. There, laden with a well-



stored bag, he might be seen hurrying from Court to Court, now arguing ably before Lord Lifford in Chancery, then running into the King's Bench, or called from the Exchequer to the Common Pleas, and stating a case at *Nisi Prius*. Soon he was as popular and as successful in the House of Commons as he was in the Law Courts, and no member proved more formidable to crush the hydra of corruption which filled many seats in the House than Mr. Ponsonby. He greatly distinguished himself by the support he gave the party in favour of making the Prince of Wales Regent, with full and unlimited power, during the illness of King George III. in 1789. Despite political differences, it is pleasant to note kindly personal feelings, and of these, instances, on the part of John FitzGibbon, are not numerous. When elevated from the Bar to the Woolsack, FitzGibbon presented his bag to Mr. Ponsonby, thus intimating to the solicitors who usually retained him, to whom they might safely confide their future briefs.

Mr. Ponsonby, in conjunction with Mr. Curran, brought the judicial conduct of Chief Justice Lord Clonmel for issuing attachments against Mr. Magee before the House of Commons. The motion was resisted by the Government. Mr. Wolfe, then Attorney-General, deprecated the motion. This very able and amiable man was ultimately himself Lord Chief Justice of the King's Bench, with the title of Lord Kilwarden, and was killed in the streets in Dublin during Emmet's rebellion in 1803. Mr. Wolfe pressed Mr. Ponsonby to withdraw his motion, which he declined to do. It was, however, negatived without

a division, but Lord Clonmel was taught a lesson he never afterwards forgot.<sup>1</sup>

Mr. Ponsonby was a strenuous supporter, as were all his family, of Catholic Emancipation. He threw all his talents into the scale for the support of the liberal administration of Earl Fitzwilliam during that popular Viceroy's short tenure of the Castle. When Lord Camden succeeded Earl Fitzwilliam Mr. Ponsonby was in opposition, and steadily resisted the enactment of the Legislative Union. The Irish Parliament, however, was doomed, and in 1806 Mr. Ponsonby became Lord Chancellor of Ireland. He died in London in 1817.

<sup>1</sup> For many curious details respecting this strange nobleman, see "Ireland before the Union," by W. J. Fitzpatrick, Esq., J.P.

## CHAPTER VI.

## GRATTAN AT THE BAR.

Not generally known to have been a Barrister.—Born in 1746.—Education.—Adopts the policy of Dr. Lucas in opposition to his father.—Is disinherited.—Becomes a law student.—A speech interrupted.—Ready retort.—Called to the Bar in 1772.—Dislikes his profession.—Joins the Home Circuit.—Unprofessional conduct regarding fees.—Abandons the Bar for Parliament.—Enters the House of Commons in 1775.—Died in 1820.

THE fame of Henry Grattan as an orator and politician has so completely eclipsed his legal proficiency, few are aware he was by profession, if not by practice, a member of the Irish Bar. His "Life" has been written by his son, and the career of the patriot and the statesman so often carefully detailed,<sup>1</sup> I shall apply myself to such anecdotes and events of his brief legal life as I have been able to collect.

Henry Grattan was eldest son of the Recorder of Dublin, in which city he was born in 1746. Besides his paternal connexion with the Bar, he had also a claim on his mother's side; she was daughter of Lord Chief Justice Marley. Henry Grattan was educated at the school of Mr. Ball, in Great Ship Street, Dublin, and had as his schoolfellow another barrister's son,

<sup>1</sup> One of the best works on the life and labours of this great Irishman is "Henry Grattan, a Historical Study," by J. G. MacCarthy, M.P.

destined to play a very important part in Irish legal and political life, and to prove the most formidable adversary of Grattan. This was John FitzGibbon, afterwards Lord Chancellor and Earl of Clare. Grattan subsequently went to the school of Mr. Young, in Abbey Street, and in 1763 entered Trinity College. Here he studied the great masters of ancient eloquence, until he could repeat the orations of Demosthenes and Cicero with readiness and precision. The Recorder (Henry Grattan's father) represented the City of Dublin in the Irish Parliament, and had for his colleague Dr. Lucas, who was an advanced Liberal, while the Recorder was a staunch Conservative. The Recorder cordially disliked the doctor's politics, but young Henry Grattan most fully shared and supported them. This so incensed the Recorder that, when dying, he bequeathed the family mansion and property, which had been in their possession above a century, away from his eldest son. This strong proof of parental displeasure naturally caused him sorrow, for it is hard to be the victim of a father's unkindness, even though undeserved.

Although deprived of the family estate, Henry Grattan was not left destitute. A small property was secured to him by marriage settlement, and he had great talents. The Bar was regarded as the proper profession to exercise his abilities, and Henry prepared to become a barrister. In Michaelmas Term 1767, he entered his name as a law student of the Middle Temple, London, where he had chambers in common with Mr. Day, afterwards Judge Day. The situation of the Temple proving distasteful to so ardent a lover

of Nature as Henry Grattan, he resorted to the more congenial glades of Windsor. In the Forest he roamed not only by day but by moonlight, reciting poetry and fancying himself in the Groves of Academus or the Forum of Rome. On one occasion he beheld the spot, near Windsor Forest, where some notorious criminal had expiated his guilt, and as yet the gibbet remained. Grattan apostrophized the "hanging wood," as George Robins once called it, and was in the frenzy of an oratorical display when some wit who was passing tapped Grattan on the shoulder, and, pointing to the tenantless gibbet, made the inquiry, "How the d—l did you contrive to get down?" Grattan readily turned the tables upon the wit. "I suppose," he said to his interrogator, "you have an interest in asking *that question.*"

Grattan's nightly soliloquies and solitary rambles caused the suspicion to be entertained he was deranged. His landlady complained to his friends "he was in the habit of wandering about the place great part of the night, and talking to some imaginary person whom he called 'Mr. Speaker.'" Although reading law, he seems to have had no relish for the science. In a letter to a friend he thus bewails his fate:—"Instead of Pope and Milton's numbers, I repeat in solitude Coke's distinctions, the nature of fee-tail, and various constructions of perplexing statutes. Your life, like mine, is devoted to professions we both detest. The vulgar subtleties of the law are as terrible to me as the uniformity of the drill is to you. Our different studies will never divide us, our antipathy to these studies will be a bond of union." Grattan was called to the Irish

Bar in 1772. Though, as we have just seen, he disliked his profession, he determined to persevere, and fit himself for the honest discharge of its responsible duties. As he says, in one of his letters, "I begin seriously to apply myself to the study of the law." He had no taste for the pursuit, yet he analyzed and indexed, read up cases, and went through law reports, which, to the scientific and sharp-witted lawyer, are as interesting as sensation novels to the lovers of fiction. Yet they were, to the mind of Grattan, "frivolous or illiberal." With the firm spirit of resolution he attended the Four Courts, duly habited in wig and gown, and went the Home Circuit. He had friends among the gentry, especially in Meath and Kildare, and the attorneys were desirous of giving him a fair start. The agents in the great case of *Dutton v. Napper* were willing to secure the young barrister. This case turned upon the legitimacy of Mr. Napper. It was, I believe, in this case Mr. Grattan adopted the very unfrequent course—in legal annals—of returning his fee when the client, for whom he was concerned, failed to succeed on the trial. He was certainly never very ardent in his love for law. Writing to a friend, early in his professional life, he says, "I am now called to the Bar, without knowledge or ambition in my profession. The Four Courts are, of all places, the most disagreeable; the lawyers in general are ardent rather than an eloquent society."

In 1775, three years after being called to the Bar, Lord Charlemont's influence caused Mr. Grattan to be elected a member of the Irish House of Commons. The congenial atmosphere by which he was then sur-

rounded, the frequent opportunities afforded him for outbursts of his fervid eloquence, and the desire to advance liberty of conscience and civil rights, so as to include the Catholic millions of his fellow-countrymen, henceforth induced him to abandon the practice of the law, and devote himself to politics. With this latter portion of his remarkable career it is not my province to deal. It has already been stamped, as it ought to be, upon the Irish heart. He died, in 1820, Ireland's noblest son.

## CHAPTER VII.

BARRY YELVERTON, FIRST LORD AVONMORE, CHIEF  
BARON OF THE EXCHEQUER.

Born in 1736, a fellow-countryman with Curran.—His school days.—Ushers' fare.—Success in Trinity College, Dublin.—Marriage in 1761.—Called to the Bar in 1764.—A Member of the Irish Parliament in 1774.—Lawyers in Parliament.—Different modes of selecting judges in England and Ireland.—Convivial habits of Irish legal practitioners.—The Monks of the Screw.—Charter Song.—Attorney-General in 1781.—Father O'Leary's *bon mot*.—Appointed Chief Baron of the Exchequer in 1783, and created Lord Avonmore. Irish Law Reports.—Case of Judge Johnson.—Affecting passage in Curran's speech on behalf of Judge Johnson.—Curran's reconciliation with Lord Avonmore.—Curran's story of the butcher and the calf.—The toast of "Our Absent Friends."—Hesiod's Phantasmagoria.—Death in 1805.

BARRY YELVERTON—the first Lord Avonmore—was born near Kanturk, in the County of Cork, in 1736. It is a wild but picturesque region, watered by the Munster Blackwater. Only a few miles northward, at Newmarket, in 1747, eleven years later, the celebrated Irish Advocate and Parliamentary Chief, John Philpot Curran was born. So these two ornaments of the Irish Bar, the Irish Senate, and the Irish Bench, were contemporary, and from the same district. The school of Kanturk gave Barry Yelverton sufficient learning to qualify him for the post of Usher, and self-relying and self-asserting he trudged his way to Dublin, and



sought employment. Yelverton accepted the situation he deemed himself fit for, at the school of Mr. Buck, in North King Street. The future Chief Baron of the Irish Exchequer found Mr. Buck by no means liberal in his Commissariat department. The Master resolved the ushers and school-boys should have the same food, and this was of Spartan simplicity—bread and milk. Yelverton aspired to something more varied, and obtaining no concession, terminated his engagement with Mr. Buck. He entered Trinity College, obtained a sizarship, and bade farewell to bread and milk. In old Trinity he made good way. From a sizar he became a scholar, and his good looks and winning ways gained him a wife with a fortune. He married in 1761, Mary, daughter of William Nugent, Esq., of Clonlost, County Westmeath. Yelverton did not depend solely on his wife's fortune for support. He wrote for the press in London, while keeping his terms, and was called to the Irish Bar in 1764.

Mr. Yelverton's abilities as a barrister were soon apparent, and his powers as a speaker ranked very high. He aspired to a seat in the House of Commons, and, in 1774, his wish was gratified. He was elected Member for Carrickfergus, and joined the few, but earnest men, who struggled for the Independence of Ireland. While working in Parliament with Grattan, Hussey Burgh, Flood, and the rest of the men of '82, Yelverton was not unmindful of the claims of his profession. He did not allow the interests of his clients to suffer, by devoting to his party what he owed to them. This preference of politics to professional duties was no uncommon occurrence at this time. The

attendance of Members of the Irish Bar in the Irish House of Commons was often a subject of complaint to their clients. An Attorney named Howard calls attention to the conduct, or rather he considers it *misconduct*, of the Irish Bar in the year 1750, which he contrasts with the English. He says, "There is not any nation on earth where lawsuits are so tedious and so expensive as in this poor kingdom, let the right be as unquestionable as it may. In England suits are generally determined in a quarter of the time they are here, and at one quarter of the expense; but there the counsel are confined to courts, and it is a rare thing to see more than three counsel on a side, unless it be some very extraordinary case. But in this kingdom the practice is for members of the bar to take business in any branch, and pass from court to court, as if justice was to be taken by storm. So what can the unfortunate suitors do? If they were to employ but two or three counsel, they may, when a case comes on in one court, be engaged in another, and this is looked on as sufficient excuse, so that the courts must be kept in exercise by bringing some of the scattered forces to the engagement, until the main body may come in, or the cause may be undone. Then every one must speak in the cause, and so, as they are seldom in the way to hear about what the others have said, repetitions necessarily follow."

Besides, the ill effects of this "multitude of counsel," which may be safety, but is safety purchased at a dear price, the Attorney thus refers to the way in which Irish Judges were selected in the last and (may we not add?) the present century. "The people of

England have one great advantage in regard to their judges. They are there seldom taken from the bar and placed on the bench on account of their interest or abilities in the House of Commons. The gentlemen of this profession in England are but of small consideration in the House, when compared with the country gentlemen who excel them, not only in the knowledge of the constitution, but in oratory also. Here few others but lawyers speak in the House." Mr. Howard rebuked, with severity, the intemperate habits of the Irish lawyers, which he contrasts with the abstemiousness of their brethren in England. "I have had occasion to transact business in London several times, and I can affirm that there is no such thing practised there, as for men of business to sit whole evenings over their bottle, in the midst of term; and I have myself heard several of them say they could not conceive how many of the profession of the bar in this kingdom (Ireland) effected any business, for that they seemed there to do nothing but walk the courts the whole morning, and devote whole evenings to the bottle."<sup>1</sup>

Barry Yelverton shared the convivial habits of the time, and was an active member of the Society called "The Monks of the Screw." This social club met every Saturday during term, in a house in Kevin Street, Dublin. The leading men of the time—Lord Charlemont, Flood, Grattan, Curran, Bowes Daly, Yelverton, and other members of the bar, and of both Houses of Parliament, belonged to it. Curran was

<sup>1</sup> Howard's *Exchequer in Ireland*, vol. I. xy.

Prior, and composed the Charter Song which in these pages must not be omitted :—

“ When St. Patrick this Order establish’d,  
 He call’d us the Monks of the Screw !  
 Good rules he reveal’d to our Abbot,  
 To guide us in what we should do.  
 But first he replenish’d our fountain,  
 With liquor the best in the sky ;  
 And he swore on the word of a saint  
 That the fountain should never run dry.  
 Each year when your octaves approach,  
 In full chapter convened let me find you,  
 And when to the convent you come  
 Leave your fav’rite temptation behind you ;  
 And be not a glass in your convent,  
 Unless on a festival founnd ;  
 And this rule to enforce I ordain it,  
 Our festival all the year round.  
 My brethren, be chaste till you’re tempted ;  
 Whilst sober be grave and discreet ;  
 And humble your bodies with fasting,  
 As oft as you’ve nothing to eat.  
 Yet, in honour of fasting, one lean face  
 Among you I’ll always require,  
 If the Abbot should please he may wear it—  
 If not let it come to the Prior.”

This last hit was a capital one. Mr. Doyle, the Abbot, was a large, burly man, with a face like a full moon ; while Curran, who was Prior, had a lean, emaciated countenance. The Society grew small by degrees, until it was dissolved in 1795.

Mr. Yelverton’s position at the bar had been steadily progressing, and when, in 1781, Mr. Scott offended the Government, and he was displaced as Attorney-

General, the office was given to Mr. Yelverton. Shortly after this he was at Killarney, with his friend, the witty Father O'Leary. Both were present at a stag-hunt, and the hunted deer approaching the Attorney-General, fell quite exhausted at his feet.

"Dear Mr. Yelverton," exclaimed Father O'Leary, "what wonderful instinct that stag possesses! He comes directly to you, expecting that, in your official capacity, you'll at once issue a *nolle prosequi* in his favour."

Yelverton's tenure of office was quickly terminated by the untimely death of Chief Baron Burgh, in 1783. The vacant seat on the bench was taken by the Attorney-General, who was created Baron, and, subsequently, Viscount Avonmore.

The want of Law Reports in Ireland while Mr. Yelverton was at the bar prevent our judging his ability as an advocate, but the Irish Term Reports, of Messrs. Ridgeway, Lapp, and Schoales, published in 1796, display the clearness, force, and fertility of his reasoning powers on the bench. He grappled fully with each question before the Court, viewed it under different aspects, and came to a sound and just decision.

Though Yelverton was eleven years older than Curran they were school-fellows and friends. But in Coleridge's words,—

"Alas! they had been friends in youth,  
But whispering words can poison truth,  
And constancy lives in realms above."

Their friendship was severed, and for years they

met as strangers. They were once more united under the following interesting circumstances:—In 1805 Curran was counsel for Judge Johnson, who was indicted for a libel, which appeared in Cobbett's *Political Register* in 1804. This libel attacked the then Lord-Lieutenant, the Earl of Hardwicke, and the Irish Lord Chancellor, Lord Redesdale. It powerfully contrasted the character of Lord Kenyon with that of the Chancellor. "The professional pride of Lord Kenyon would never have suffered him to enter into a combination to sap, by underhand means, the independence of his brethren on the bench. He would never have suffered the Great Seal in his hands to be used for the purpose of garbling the bench, in order to gratify those who might be contented publicly to eulogize the Government, which privately they must have despised, nor would he have employed any of his leisure in searching into office for precedents, by which he might harass the domestic arrangements of others whose pride and integrity could not bend to his views, and thus double the vigour of his attack by practising upon the hopes of some, and endeavouring to work upon the fears of others."

The authorship of the libel, which was in the handwriting of Judge Johnson's daughter,<sup>2</sup> was traced to her father—one of the judges of the Court of Common Pleas in Ireland. A Bill of Indictment was found against the judge by the grand jury at Westminster, on which Lord Ellenborough—Chief Justice of England—issued a warrant for his apprehension. The judge was arrested at his house at Miltown, near

<sup>2</sup> Personal Recollections of Lord Cloncurry.

Dublin. A writ of Habeas Corpus—returnable into the Court of Exchequer in Ireland, brought Curran to argue the case on behalf of the judge before the Barons of the Irish Exchequer, Lord Avonmore presiding.

Referring to his anticipations of defeating the proceedings at Westminster by the learning of the Barons, Curran thus continued: "These soothing hopes I draw from the dearest and tenderest recollections of my life, from the remembrance of those Attic nights, and those refectations of the gods, which we have spent with those admired and respected and beloved companions who have gone before us, over whose ashes the most precious tears of Ireland have been shed." (Here Lord Avonmore burst into tears.) "Yes, my good Lord, I see you do not forget them. I see their sacred forms passing in sad review before your memory. I see your pained and softened fancy recalling those happy meetings, where the innocent enjoyment of social mirth, expanded into the nobler warmth of social virtue, and the horizon of the board became enlarged into the horizon of man. When the swelling heart conceived and communicated the pure and generous purpose, when my slender and younger taper imbibed its borrowed light from the more redundant fountain of yours. Yes, my good Lord, we can remember those nights without any more regret than that they can never more return, for—

'We spent them not in toys, or lust, or wine,  
But search of deep philosophy,  
Wit, eloquence, and poesy,  
Arts which I loved, for they, my friend, were thine.'"

When the arguments were over, the majority of the Barons (Sir William Cusac Smith *dissentiente*) holding Judge Johnson rightly committed, a tipstaff informed Mr. Curran the Chief Baron desired to see him in chamber. Curran hastened to his old friend, who affectionately welcomed him, saying, "Unworthy means had led to the estrangement, but they should no more prevail." The reconciliation henceforth was lasting.

Lord Avonmore had one great fault in a judge. He jumped too suddenly at conclusions. An anecdote is told of the way Curran demonstrated this fault to his lordship. Entering the Court of Exchequer one morning, later than usual, Curran found a case he intended to argue had been struck out of the list owing to his absence. On applying to have it reinstated, Curran, addressing the Chief Baron, said, "My Lord, the circumstance I am about to state will, I trust, show your Lordship I really required a little time to elapse, in order that my mind could recover from what I so recently witnessed."

"Good gracious! What was it, Mr. Curran?" eagerly inquired the kind-hearted old judge.

"I will tell your Lordship as calmly as I can. On my way to court I passed through the market."

"Yes, I know, the Castle Market," struck in his Lordship.

"Exactly, the Castle Market; and passing near one of the stalls I beheld a brawny butcher brandishing a sharp, gleaming knife. A calf, he was about to slay, was standing awaiting the death-stroke, when, at that moment—that critical moment—a lovely little



girl came bounding, in all the sportive mirth of childhood—from her father's stall. Before a moment had passed the butcher plunged his knife into the breast of—”

“Good God! his child!” sobbed the judge, deeply affected.

“No, my Lord, but the calf,” rejoined Curran; “*but your Lordship often anticipates.*”

Lord Avonmore was frequently lost in reverie, and quite oblivious of what was passing around him. Both he and Curran were at a dinner-party, and Curran, who sat next to the Chief Baron, observing him quite abstracted when the toast—“Our Absent Friends” was drunk, nudged him. “My Lord,” he said, “our host has just proposed your health, which has been received in very cordial terms; surely you will respond.”

“Thank you, Curran, really I was not aware of it,” replied the Chief Baron, and up he got; and, to the surprise of many, and the amusement of more, made an eloquent speech in reply to a toast which was not given.

Counsel, especially Curran, seemed then to have indulged in freedoms which would not be permitted in our time. While addressing an ignorant jury on a *Nisi Prius* case in the Exchequer, before Lord Avonmore, Curran was resolved to raise a laugh. Continuing his speech he said, “You heard my learned friend, gentlemen, shoot the arrows of his wit at the poverty of my client. You, gentlemen, doubtless are familiar with the well-known passage, in the writings of the Greek historian Hesiod, I mean that one in his

‘Phantasmagoria,’ in which he so pathetically bewails the ills of poverty—

‘Nil habet infelix paupertas durius in se,  
Quam quod ridiculos homines facet.’”

The Chief Baron, who, as Curran well knew, was a profound classical scholar, addressed the wit,—

“Mr. Curran, what are you thinking of? Hesiod was a poet, not historian. I never heard of any book of his called ‘Phantasmagoria.’”

Curran. “My Lord, I am surprised you did not. Surely he wrote it?”

Lord Avonmore. “That may be; but you will not find in it the lines you quote. They are not Hesiod’s at all. They are written by Juvenal.”

Curran. “He quotes them, probably from the ‘Phantasmagoria.’ The original are Greek.”

Chief Baron. “Mr. Curran, really you must be under some strange delusion. I tell you they are Latin, I am as familiar with them as with my ‘Blackstone.’”

Curran. “Well, I suppose your Lordship is right, and, if it was a point of law, of course I would respectfully bow to your Lordship’s ruling. But this is a matter not of law, but of fact; and what I ask your Lordship to do is, to send the question, as a collateral issue, to *that* jury, and I’ll stake my reputation that they’ll find the poetry *Greek*.”

The point of Curran’s joke now flashed on the Chief Baron’s mind, and he almost shook the bench trying to contain his laughter, while the amazed jury were puzzled to see the relation this argument had to the

case before them—an action of Assumpsit on a Bill of Exchange. From being an ardent Nationalist in the House of Commons, Lord Avonmore, in the Lords, supported the Bill for the Union, and was thereupon raised a step in the peerage—from a Baron to a Viscount.

Lord Avonmore resided at Fairfield, near Dublin, where he enjoyed the society of his friends at his hospitable board. He died 19th August, 1805, in his sixty-ninth year.

## CHAPTER VIII.

RIGHT HON. JOHN PHILPOT CURRAN, MASTER OF THE  
ROLLS.

Born in 1747.—His father Seneschal of Newmarket.—Early culture—Anecdotes of his student days.—Called to the Bar.—First great case.—Duel with Major St. Leger.—Enters Parliament.—Curran and FitzGibbon.—Curran suspected of disloyalty.—Emmet's Rebellion.—Emmet and Sarah Curran.—Visit of Major Sirr.—Bon Mots.—Appointed Master of the Rolls.—Dislikes his appointment.—Anecdotes.—Death in 1817.

THE most renowned member of the Irish Bar was, assuredly, John Philpot Curran. He does not require any very lengthened place in these pages, for the filial affection of his son, the late William Henry Curran, has left us an admirable memoir of this illustrious man. As I have already given several anecdotes and bon mots of Curran in my notices of Lord Avonmore, I place him next in succession to his old and eminent friend.

Curran was born in Newmarket, county Cork, in the year 1747. His father held judicial office, though a humble one, being Seneschal of the Manor Court of Newmarket. It is probable, from attending this local court, Curran acquired his desire to go to the Bar. He laid the foundations of his fervid eloquence, and knowledge of the Irish heart, by mingling freely with the people in the picturesque region which surrounds

Newmarket. He roamed, as a boy, along the banks of the Oondalua, as it tumbles over the ledges of rock near his native town, and the foaming Awbeg was a favourite haunt of the poetic boy.

This was Spenser's Allo, and the Irish Rhine, as the historic Blackwater is justly called, were Curran's favourite streams. Rambling along the banks he learnt the history of the ruined castles and prostrate abbeys, and all the legendary tales and traditions of this district; they were told by the peasantry at wakes and weddings. When his school-days were over, and his College career ended, Curran went to London to keep his terms for the Bar. His finances were often very low, but his spirits kept high, and though oppressed by poverty he did not give way to despair. A story is told of his going dinnerless to St. James's Park, and, when sitting hungry on a bench, began whistling an Irish tune. An elderly gentleman paused to rest on the same seat, and, struck by the melancholy look of the youth, inquired, "How he came to be sitting there, whistling an Irish tune when other people were at their dinner?"

Curran replied, "He would be at his dinner, too, but a trifling matter—delay in remittances—obliged him to dine on an Irish tune." The stranger, struck with the playful manner of the youth, invited him to dine at a neighbouring tavern, and, ere long, was delighted with the humour of the young Irishman. Curran was equally pleased with his new friend, and, years afterwards, when Curran was known and famous, recalled this occurrence to the recollection of his

generous entertainer—Macklin, the celebrated actor—with the assurance, “*You never acted better.*”

Curran was in the habit of attending a debating Society in London, and, from not speaking, aroused the bile of an impudent spouter, who addressed him as “Orator Mum.” This called forth a retort from Curran, which so confounded the unhappy object of his wrath, he never again entered the arena. Curran, when called to the Bar in 1775, had considerable junior practice. He made 85*l.* the first year; 132*l.* the second; and before he was five years at the Bar was earning 1000*l.* a year. He went the Munster Circuit, and the occasion on which his abilities as an advocate were first disclosed was, when a poor priest, the Rev. Mr. Neale, brought an action against the Viscount Doneraile for a violent assault. The priest had publicly remonstrated with one of his female parishioners for living an immoral life. Lord Doneraile, accompanied by his cousin, Major St. Leger, called at the little cottage where the priest resided. On ascertaining from the priest that he had spoken of the woman’s conduct from the altar, the angry nobleman insisted on the priest withdrawing his censure. The priest said, “the Bishop alone could do so.” Thereon Lord Doneraile horsewhipped him. The priest brought an action for this assault. It was for trial in Cork in 1784, and it is said several members of the Munster Bar refused to be concerned against Lord Doneraile, who had great influence at the time. Curran undertook to state the plaintiff’s case, and he did so with great power. He severely lashed the defendant’s cousin, the Major, who, in leaving the army when his

regiment was going into the field, had shown the white feather. So Curran called him "a feather-bed soldier, a drummed-out dragoon." The Major was called as a witness, and, when cross-examining, Curran said, "You are a soldier, sir."

"No," was the reply; "I am an officer."

"An officer and no soldier," rejoined Curran. The jury found a verdict for the priest, and though the damages were small—twenty pounds—getting any damages at the time from such a defendant was regarded as something wonderful.

The Major was resolved to avenge his tarnished reputation. As duelling was the order of the day he sent a challenge to Curran, who went to the ground. When they were both placed, the Major asked Curran to fire first.

"No," replied Curran; "I am here by your invitation, so you must *open the ball*." Both fired, and missed, on which the duel ended. Major St. Leger died soon after, and Curran declared, "He was killed by the report of his own pistol." Curran represented the borough of Rathcormack in the Irish Parliament, and was one of the most earnest and persistent enemies of the Union. He had many contests in the House of Commons with the Castle party, and, in particular, with Fitzgibbon, afterwards Lord Chancellor and Earl of Clare. Curran was constantly selected by the men indicted for High Treason in 1798, to defend them. He used, as every advocate ought to do, his utmost efforts in behalf of his clients, but such was the state of men's minds at that period that the advocate was often confounded with the client, and Curran was sus-

pected, nay charged, with disloyalty. "I feel no shame," he replied, "at such a charge, except that it should be made at such a time as this, that to defend the people should be held out as an imputation upon the King's Counsel when the people are prosecuted by the State. I think every Counsel is the property of his fellow-subjects."

In 1803 Robert Emmet's rebellion broke out, and was the cause of the murder of the humane Chief Justice of the King's Bench—Lord Kilwarden. The discovery of Emmet's romantic attachment to Sarah Curran led to unpleasant consequences with the lady's father. Curran thus relates what took place: "I was riding to court, as usual, the morning after the outbreak, when the appearance of Major Sirr, at the head of some dragoons, much surprised me. He rode up to me, lamenting, with much courtesy, the occasion of our meeting, and intimating that, in consequence of some papers found on Mr. Emmet, he had orders to search my residence. Almost thunderstruck, I at once professed him every facility in my power. To my utter amazement, a correspondence, of which I had not even a suspicion, was discovered." Curran at once presented himself for examination before the Law Officers at the Castle, and received from the Attorney-General<sup>1</sup> the utmost courtesy and consideration. The prose of Washington Irving, and the poetry of Moore, have for ever embalmed the loves of Robert Emmet and Sarah Curran.

One of the causes of great interest in which Curran

<sup>1</sup> Right Hon. Standish O'Grady, afterwards Chief Baron, and Lord Guillamore.



acted as counsel, was the prosecution of Sir Henry Hayes, for carrying off Miss Pike, a Quaker young lady; she was rescued, and for two years the perpetrator of this outrage was not amenable. When arrested and bills of indictment found, Curran appeared for the prosecution, and made a masterly speech. The case enlisted the feelings of the people against the prisoner, and a woman, rushing up to Curran on his way to court, exclaimed "More power to you, Counsellor, and that you may gain the day."

"If I gain the day," replied Curran, "you will lose the *K(night)*."

The case was tried by Judge Day, a very able man. Once when he went as judge on the Munster Circuit there were so many prisoners for trial in Limerick, he feared he could not open the Commission for Kerry at Tralee without sitting very late. When he continued long after the usual time, and showed no intention of leaving Court, the members of the Bar remonstrated, but without effect. At length, near midnight, as he still held on, a slip of paper was handed to him by the Crier's wand.

He read it, smiled, and announced "he would try no more cases that night." The paper contained these lines, written by a member of the Bar:—

"Try men by night ! my Lord forbear,  
Think what the wicked world will say,  
Methinks I hear the rogues declare,  
*That Justice is not done by Day.*"

This Judge, a very tall man, was seen walking with Sir Arthur Clarke, a mere dwarf in comparison. "There

goes," said a wit, "*the longest Day, and the shortest (K)night.*" Sir Arthur, who kept the bathing establishment in the rear of North Great George Street, Dublin, was happily termed "*the Knight of the Bath.*"

Some of Curran's *bon-mots* deserve preservation. Here are a few. When examining a witness to prove the delivery of coals which had not been paid for, he said,—

"The defendant got the coals?"

"He did."

"I believe the payment was *slack.*"

"Indeed it was."

He had occasion to cross-examine Mr. Lundy Foot, the eminent snuff manufacturer of Dublin, and when Mr. Foot hesitated to respond to his question, Curran was sure to cause a laugh with "Surely that's a poser, a d——l of a pinch."

They were great friends, and Mr. Foot, little mindful of Curran's punning propensities, applied to him for a motto for his coach.

"Would you mind its being in Latin?" quoth Curran.

"Not if it suited," said Foot.

"You shall find it suits exactly," and he gave "*Quid Rides.*"

Having a horse-jockey to cross-examine, Curran found him a tough witness to deal with. At last he asked,—

"How old is this horse-dealer?" the plaintiff in the case.

The witness hesitated.

"Come, sir," said Curran, "is he so old that he has lost his teeth?"

"Do you think," replied the witness, "I would know his age like that of a horse by feeling the mark in his mouth?"

This created a laugh against Curran, but he soon turned it by saying, "You are wise not to try, for I understand your master is a *great bite*."

Curran was ever ready to give his advice to the unfortunate. When told he might be deprived of his rank of King's Counsel for his intrepidity in 1798, he said "They may take away the *silk*, but they leave the *stuff* behind."<sup>2</sup>

The speeches of Curran have been preserved, and their perusal shows how great a master he was of oratory. Their effect on bench, bar, jury, and audience was magical. In 1806, the Fox and Grenville Coalition restored the Whigs to office, and Curran's friend, Mr. George Ponsonby became Lord Chancellor of Ireland. He resolved Curran should be provided for, and accordingly induced Sir Michael Smith to resign the Rolls, to which Curran was appointed. This, unhappily did not please Curran, for, though the salary was excellent, 4000*l.* a year, the office was one for which he was entirely unsuited. His son thus refers to this latter objection. "It imposed on his mind the necessity of unaccustomed labour, and unaccustomed restraint, to which opposite habits of so many years did not allow him easily to submit. It had no poli-

<sup>2</sup> King's or Queen's Counsel wear silk, the outer bar Counsel stuff gowns.

tical consequence ; and therefore to him, who had acted such a part in the history of his country, it seemed rather a compensation for former services than as a means for taking that honourable share to which he felt himself entitled in an Administration that promised such benefits to Ireland."

There was in addition, an arrangement, by which it was settled Mr. Ridgeway, Secretary to the late Master of the Rolls, was to have 500*l.* a year. It was expected Mr. Curran would have paid this, but he refused, and Mr. Ponsonby paid it out of his own pocket.<sup>3</sup> This probably caused the estrangement between Curran and Ponsonby. Though the friendship between them was broken for many years, when the latter was dying in London, in 1817, Curran called at his house, and the two became friends ere yet the grave closed over them both, as it did that very year. Curran continued Master of the Rolls for only six years. While in office in 1812, he was invited to contest the borough of Newry, and did so, but General Needham was returned. His health obliged him to leave the Bench in 1813. He travelled on the Continent, and, while in London, met Lord Erskine at dinner at Carlton House. The Prince Regent, having spoken of the rank of the Bar, Lord Erskine is reported to have said, "Though of a noble family, it has not only added to my wealth, but to my dignity." The Regent then asked Mr. Curran to favour him with his opinion. "I am," he said, "perhaps, a better illustration of its advantages than his Lordship. He was ennobled by birth before

<sup>3</sup> Ryan, "Worthies of Ireland," vol. ii. p. 490.

he came to it, but in my person it raised the son of a peasant to the table of his Prince."

Curran died at Brompton, London, 14th October, 1817. His remains were interred at Paddington, but in 1834 were removed to Glasnevin, Dublin, where they rest under a classic tomb, inscribed, "CURRAN."

## CHAPTER IX.

RIGHT HON. JOHN FITZGIBBON, EARL OF CLARE, LORD  
CHANCELLOR OF IRELAND.

Born in 1749.—Arrogance as a boy.—Demeanour in College.—Called to the Bar in 1772.—His success on the College Election Petition.—Position in the Irish House of Commons.—State of Ireland.—The Irish Volunteers.—The Irish Government.—Patriotic speech of Fitzgibbon in 1783.—Grattan presses for Fitzgibbon's appointment.—His ingratitude.—Conduct in office.—Breaks up the Volunteers.—Retains office under change of Ministry.—Personal intrepidity signally displayed.—Letter of thanks for his conduct.—Question of the Regency.—Becomes Lord Chancellor of Ireland.—Insulting letter from G. N. Reynolds.—Hostile message to the Chancellor.—Curran and the Chancellor.—Anecdotes.—Curran's attack on the Chancellor before the Privy Council.—Death.

JOHN FITZGIBBON was the younger son of a very eminent Irish barrister of the same name, and was born near Donnybrook in the County of Dublin, in 1749. As the child is said to be the father of the man, he showed, even in boyhood, the haughty temper of later years. Having incurred his father's displeasure for some childish fault, the parent sent his elder son with an authoritative message:—

“Your father orders you to go to him. You must come instantly.”

“*Orders ! must !*” repeated the youth of thirteen.  
“Such language suits me not, nor will I stir an inch.

*Decretum est*," and proudly stamping his foot on the ground, remained stationary.

The elder lad repeated the reply, and the father of the presumptuous youth could not help being amused at the boy's spirit. He penned a jocose note, requesting "the honour of an interview with Mr. John Fitzgibbon, junior," when, after a parental admonition in Parliamentary phrase, the subject dropped.<sup>1</sup>

During his College life young Fitzgibbon shared the society of men who, even then, gave promise of the talent which shed a halo round their names in after-years—Grattan, and Hussey-Burgh, Lovel-Edgeworth, and Foster. At this time the future Chancellor's temper was capricious and uncertain. He was accomplished and insinuating, but insolent and overbearing. In person he was rather below the middle height, but had a handsome face and dignified manner. Resolution was stamped upon his features, and his compressed lips denoted a strong will. During his career in the Dublin University he gained its highest honours, including the *optime*, which, since its foundation in the reign of Queen Elizabeth, has only been awarded to few students, among them Robert Emmet and the late Baron Pennefather.

In 1772, being then in his twenty-third year, John Fitzgibbon was called to the Bar, and soon obtained a lucrative and steadily increasing practice. When little more than a year called he undertook the conduct of a most important case, in which he was opposed to many

<sup>1</sup> O'Flanagan's "Lives of the Lord Chancellors of Ireland," vol. ii. p. 100.

of the leading members of the Irish Bar. Hely Hutchinson was declared duly elected member for Trinity College, but his return was said to have been illegal, owing to the influence of his father, the Provost. The electors, by Fitzgibbon's advice, lodged a petition against the return, and entrusted it to the young barrister. This was all he sought for. He prepared himself carefully to argue against several leaders of the Bar, and the audacious junior triumphed over all. This proved his great legal ability. His mark was made, and he soon had abundant practice. The University elected him its representative in Parliament, and subsequently he became its Vice-Chancellor.

He held a high position on taking his seat in the Irish House of Commons. Possessed of large fortune, a well-stored mind, great professional fame, bold in thought and word and deed, the distinguished representative of a time-honoured University—instead of being, as most young men of his standing were, the nominee of some borough patron—such was the *status* of the new member. It was at this time the National party in the Irish House of Commons began to form hopes of rescuing their country from the state of dependency in which she had so long lain. The might of public opinion was beginning to assert itself. It was heard in the country towns, from platforms and pulpits—it was spreading over the country districts, at fairs and markets—it was spoken by nobles in their halls, and by gentry at their festive gatherings. It was the subject of leading articles in the Irish newspapers and periodicals, and ere long broke upon the ear of Government, hitherto deaf to its sound. It



was the voice of the peasant, the voice of the artisan, the voice of every working man.

From words they came to deeds. The teachings of Molyneux and of Berkely in the closet, of Swift in the pulpit and the Press ; of Flood, Lucas, and Grattan in Parliament and at public meetings, yielded their fruit in due season, and stirred men's hearts like a trumpet's call. The effect was the enrolment, embodiment and marshalling of the National Army, the celebrated Irish Volunteers. Nobles of the highest rank, large-acred squires, country gentlemen of the proudest station, men of every grade, swelled the ranks of the Volunteers. Not a city, country town, or village in each province failed to count its corps. There were cavalry, infantry, and artillery :—

“ Each valley and sequester'd glen  
Muster'd its little corps of men.”

All manifested the most firm resolution to sustain the rights of their country with the arms of Irishmen :—

“ Oh ! 'twas a proud and solemn sight,  
To mark that broad array  
Come forth to claim a nation's right,  
'Gainst all who dared gainsay.  
And despots shrank, appall'd to view  
The men who bore  
From shore to shore  
The Arms of “ Eighty Two.” <sup>2</sup>

The mighty march of a united people was too powerful to be resisted. The advice of the Viceroy, the Duke

<sup>2</sup> Michael Joseph Barry,

of Portland, to Fox was to yield,<sup>3</sup> and though some of the Castle party made a show of resistance, they were compelled to swim with the tide—they were impotent to stem. Scott, afterwards Chief Justice, was one, and his young disciple, Fitzgibbon, another. On the 16th April, 1783, when the right of Ireland to be bound only by laws made by the King, Lords, and Commons of Ireland was declared by Flood, Hutchinson, Yelverton, Ponsonby, and Grattan, Fitzgibbon said, “As Ireland is committed, no man, I trust, will shrink from her support, or hesitate to lend his hand to the establishment of our liberties. As I was cautious in committing, so I am firm in asserting the rights of my country.”<sup>4</sup> It was thus that Fitzgibbon, following the example of his pliant model, John Scott, floated with the stream of popular feeling. Both knew well what they were about—Grattan, amongst others, was deceived, and when Fox, who, with keen knowledge of these men, doubted their sincerity, and expressed his fears to the Lord Lieutenant, the Viceroy, Lord Nottingham, replied, “Grattan was consulted, and was satisfied.” Grattan afterwards bitterly repented of having been a party to Fitzgibbon’s advance. In his “Life by his Son” we learn this: “I pressed for the appointment of Fitzgibbon, and I have that sin to answer for. The force of the Constitution made him Chancellor, and his country and myself have been the peculiar objects of his calumny.”<sup>5</sup> Mr. Bowes Daly was a better prophet, he said, “Depend upon it, that little fellow

<sup>3</sup> *Vide* his letter ante.

<sup>4</sup> Com. Par. Deb. April 16, 1783.

<sup>5</sup> Grattan’s Life, vol. iii. p. 112.—Id. 134.

will deceive you all." A great opportunity for making his country great, glorious, and free was afforded John Fitzgibbon. He was appointed Attorney-General in 1783 and continued so until 1785, and a far more powerful minister of the Government than the jocose Scott, but he preferred deliberately, and almost defiantly to run her on the rocks, and sink her, in order to grasp the position which by so doing he reserved for himself. His first step was to break up the Volunteer movement, which he well knew had been the direct means of effecting the great legislative changes so beneficial to Ireland. His mode of doing this was astute and well planned. He gained two triumphs by the course he took. He baffled Flood's Reform Bill by denouncing it as a measure which had its inception from an armed conclave, and contended it was inconsistent with the dignity of Parliament to yield to armed dictation. He succeeded in both objects, and the Great National Army of Volunteers, which had achieved so many bloodless victories, faded away, leaving the means of *securing* their conquests *unattained* and *unattainable*.

The British Government, which, in my opinion, had never really countenanced the Volunteer movement, or felt at ease during the time the Irish Volunteers were embodied, and discourages the formation of such an armament at this day, grew jubilant at the success of Fitzgibbon. A great banquet took place on the occasion at the Castle, and the Viceroy, Lord Northampton, writing to Fox, says, "Fitzgibbon acquitted himself *astonishingly*." <sup>6</sup>

<sup>6</sup> Life of Grattan, vol. iii. c. v. p. 157.

When Pitt and the Tory party replaced the Fox and Rockingham Administration, the change of the Ministry in England had no effect upon the official position of John Fitzgibbon. He was Attorney-General to Pitt, as he had been to Fox, and was trusted, perhaps, with more confidence by the former than he certainly was by the great Whig. That the Irish Law Officer was as undaunted in personal courage as he was in intellectual boldness, the way he put down an infraction of the Irish Convention Act clearly shows :—

A meeting of the Delegates of Dublin being convened in September, 1784, Fitzgibbon, then Attorney-General, wrote to the High Sheriffs :—

“GENTLEMEN,—I have read with great surprise a formal summons, signed by you, as High Sheriffs of the City of Dublin, calling upon the freeholders and freemen of your bailiwick to meet on Monday next, for the purpose of electing five persons to represent the City of Dublin in National Congress. I must inform you, that in summoning the freeholders and freemen to meet for such a purpose, you have been guilty of a most outrageous breach of your duty; that if you proceed to hold any such election, you are responsible for it to the laws of your Country; and that I shall hold myself bound, as the King’s Attorney-General, to prosecute you at the Court of King’s Bench for your conduct, which I consider to be so highly criminal that I cannot overlook it.

“I am, gentlemen,

“Your very obedient Servant,

“JOHN FITZGIBBON.

“Ely Place, September 10, 1784.”

When the meeting assembled, pursuant to requisition, the High Sheriff, Mr. Reilly, came forward and read the above letter, and declined to take the chair. While the vast assemblage groaned vehement denunciations of the Attorney-General and his threats, into their very midst strode the Right Hon. John Fitzgibbon, and he upheld his course in the teeth of the angry mob; with his hand on his sword he announced his resolve to prosecute any one presiding at such an illegal meeting, and as the Sheriff refused to preside, the meeting dispersed.

Such conduct was not unmarked by the Castle functionaries. The Viceroy, the Duke of Rutland, thus wrote to Fitzgibbon :—

“Phoenix Park, Oct. 1, 1784.

“DEAR SIR,—I wished to have seen you before you quitted Dublin, to have rendered you my most particular thanks for the manly and spirited part you have taken in the support of my Government, and in the enactments of your country. I should not, however, on that account alone, have troubled you with it further, had I not received in addition the King’s commands to express to you his entire approbation of every part of your conduct. No words of mine can add weight to so honourable an encomium, but I assure you that I feel a singular satisfaction in being the instrument of conveying it to you. I must desire you at the same time to consider this letter not merely as a matter of compliment and form, but as dictated by the feelings of one who is most sensibly impressed with the importance of your services, and the effects of your exertions

to enable him to persevere in the arduous task which he has undertaken.

“ I am, my dear sir, with great truth,

“ Your most obliged and faithful

“ Humble Servant,

“ RUTLAND.

“ Right Honourable the Attorney-General,

“ Mount Shannon, Limerick.”

But the Attorney-General was not content with preventing the High Sheriff *holding* the meeting, he caused him to be attached for *calling* it. Scott, then Chief Justice of the King's Bench, adjudged the unfortunate Sheriff Reilly guilty, and sentenced him to a fine of five marks, or to be imprisoned for a week. This proceeding was brought before the House of Commons on the 24th February, 1784, when Lord Charles Fitzgerald moved—“That the proceedings of the Court of King's Bench in attaching the Sheriff and punishing him in a summary way, as for contempt, was contrary to the principles of the Constitution, as depriving him of his trial by jury, and is a precedent of dangerous tendency.” The resolution was seconded by Mr. Brownlow, and caused a very animated debate. It was on this occasion one of the collisions took place between the Attorney-General and Curran. On the Regency question the Parliaments of England and Ireland differed, Pitt and the majority of the English Parliament being in favour of a limited Regency being granted to the Prince of Wales; Grattan and the Irish party for an unlimited Regency. As may be expected, Fitzgibbon led the Pitt party in the Irish House

of Commons, and stoutly defied the Opposition, but they gained their point, and when the Address of both the Irish Lords and Commons was sent to the Viceroy, he refused to transmit it. Then both Houses sent a deputation to London to present the Address to the Prince of Wales, which reached in time to hear that 'twas all "Much ado about nothing," for the King's recovery knocked the question of Regency on the head.

The Address, however, was presented, and the finest gentleman in Europe feted and flattered his Irish friends. He talked of his "heart, and gratitude, when he should have the opportunity of proving it to his faithful Irish." When the time did come, and his performance was not in keeping with his promises, some Irish wit composed a song which greeted his visit to the shore of the Emerald Isle :—

" You told us this—you told us that,  
Oh ! wirrastrue—oh ! wirrastrue,  
How long you'd be a friend to Pat,  
Oh ! wirrastrue—oh, wirrastrue,  
And oh ! you told us not to fret,  
And said you'd make us happy yet ;  
*Remember that you don't forget,*  
Oh wirra-wirrastrue."

Shortly after this period, on the death of Lord Lifford in 1789, the Great Seal of Ireland was committed to John Fitzgibbon, with the title of Earl of Clare.

His gains at the Irish Bar were considerable. He has left us the means of knowing accurately, for he states "from the 19th June, 1772 (the date of his call) to June 1789 (when created Lord High Chan-

cellor) I received at the Bar 45,912*l.* 8*s.* 8*d.* Of this 36,939*l.* 3*s.* 11*d.* was received by me in the last five years and a half." Though I make no doubt Lord Chancellors sometimes receive very uncourteous letters from those whom they deprive of the Commission of the Peace, I think the following is unique :<sup>7</sup>—

"To the Right Honourable John Earl of Clare, Lord High Chancellor of Ireland.

"MY LORD,—With surprise and sorrow I received a letter signed 'J. Dwyer,' informing me that your Lordship was pleased to suspend me in the Commission of the Peace for the Counties of Leitrim and Roscommon. I say 'with surprise,' as I am not conscious of any fault to warrant such a proceeding on the part of your Lordship. I add 'with sorrow,' for, low as the appointment is—and low indeed it must be, depending upon the caprice of any individual—yet, as it afforded me the power to protect innocence and counteract tyranny, I part from it with regret.

"Your Lordship loves not the Constitution with more zeal than I do; it has been the theme of my continual panegyrics, nor shall the unkind treatment I experience at your Lordship's hands tend to demoralize my opinions; quite the reverse! It is to me an additional proof of my aristocratic creed, 'that there is in men of mean descent an innate ignobility which no titles or honours can eradicate.' It is not,

<sup>7</sup> The letter was furnished to me when compiling my "Lives of the Lord Chancellors of Ireland," by A. C. Palles, Esq., father of the present Lord Chief Baron of the Irish Court of Exchequer.



my Lord, in the radiance of the royal sunbeam to give to the mushroom the fragrance of the rose ; and when we look to a new man for the bland and golden dignity of manners which mark the genuine noblesse, we too often find a pinchbeck petulance substituted in its stead. When I waited on your Lordship with a letter from the Governor of the County in which my family resides, with an affected hauteur, which ill becomes the man of yesterday, you turned on your heel, and refused me an opportunity of justifying my conduct. Had your Lordship, like your father, been destined for the Popish priesthood, you would have had the benefit of a St. Omer's education<sup>s</sup> and of consequence know more decency and good manners ; but probably a giddy head is turned by looking down from a pinnacle to which a fortunate combination of circumstances has raised it. Yet, elevated as your Lordship is, it never appeared to me that when I heard your Lordship's voice, "*an Angel spoke.*" Your *tout ensemble* has rather recalled to my fancy the figure of a sweep, who, climbing through dirt, pops out his sooty-coloured face, and, with a shrill voice, proclaims his high situation to the world. It has been asserted by your Lordship that I took bail for several persons under the denomination of "defenders," nothing more being specified in the committal, and your Lordship is the most competent Judge, whether that is sufficient to detain his Majesty's subjects. It has been represented that one of the parties houghed a cow, and hung a

<sup>s</sup> This was a mistake. The Chancellor's father, went to France as a medical student, not to study for the priesthood. *Vide* "Essays by an Octogenarian."

threatening notice on one of her horns. Had he houghed your Lordship, and hung a threatening notice on *one of your horns*, under the same committal I would have acted in the same manner. I cannot dismiss this letter without a comment on the impertinence of your Lordship's servant, but that is easily accounted for by recollecting 'that man is an imitative animal,' and perhaps I attribute to impoliteness a conduct which might, with more propriety, be attributed to fear; but so high is my respect for official situation, that, though it rained horsewhips, far be it from me to think of laying one of them on the hem of your Lordship's garment.

"I am, my Lord, with sincerity to my

" Enemies, and respect to myself,

" G. N. REYNOLDS." °

Although the Lord Chancellor's official position may have prevented the application of the horsewhip, indicated in the foregoing letter, it did not hinder his being requested to favour an aggrieved gentleman with the satisfaction then usual in such cases.

A political paper, published under the sanction of the Honourable Simon Butler, and Mr. Oliver Bond, being deemed a libel on the House of Lords, these gentlemen were ordered to attend at the Bar of the House. Here they were sentenced to be committed to

° George Nugent Reynolds, Esq., the writer of this caustic letter, was a country gentleman of good family and fortune. He was possessed of much literary ability and wrote several songs. The "Exile of Erin" was claimed by him, but the mass of evidence adduced to prove it was composed by Thomas Campbell is, I think, overwhelming.

the gaol of Newgate for six months, and fined 500*l.* each. The Lord Chancellor, as Speaker of the House of Lords, when pronouncing the above sentence, addressing Mr. Butler, who was a barrister, said, "He could not plead ignorance, as his noble birth, and his professional rank at the Bar, to both of which he was a *disgrace*, had aggravated his crime."

These galling words were treasured up, and, no sooner was Mr. Butler released from captivity, than he resolved to demand personal satisfaction from the speaker of them. He selected, as the bearer of his hostile message, a well known Irish gentleman, Mr. Archibald Hamilton Rowan, who, in his Autobiography, gives the following account of his mission :—"I waited on him (Lord Fitzgibbon) and called to his recollection the words he made use of in passing the sentence of the House of Lords on my friends, Messrs. Butler and Bond, and those which he particularly directed to Mr. Butler, which, I hoped to be permitted to say, it was not his Lordship's intention should be taken personally, and had been made use of unreflectingly."

His Lordship said, "that he thought the circumstances of the case called for the expressions he had used ; that he never spoke unreflectingly in the situation he filled, and under similar circumstances he should use similar words." I then said, "that in mine and Mr. Butler's opinion the sentence of the Lords did not authorize the words he had used, and, if it had occurred between two private gentlemen, my course would be plain and easy, but his Lordship's situation of Chancellor embarrassed me."

Here I paused. His Lordship said, "I knew his

situation, and he wished me to recollect it." I then took my leave, saying to his Lordship, "that his situation prevented me acting as I would have done with a private gentleman."<sup>1</sup>

I am inclined to think the Chancellor, who had already some experience as a duellist, as we have seen, felt inclined to meet Mr. Butler, and not to shield himself under the ægis of office, for he invited a military friend, Colonel Murray, to breakfast next morning, and sought his advice as to how he should act. The Colonel considered "he ought not to be held personally responsible for his words spoken officially," and, as the Colonel was acquainted with Hamilton Rowan, he resolved to let him know what he (Colonel Murray) thought of the matter. "A pretty piece of work you have made of it Hamilton, taking a challenge to the Lord Chancellor." "How came you to know what passed between us?" demanded Mr. Rowan. "I breakfasted with Fitzgibbon this morning, and he told me the whole affair."

This is the only instance, I believe, of a Lord Chancellor being asked to fight a duel.

But the Chancellor's haughty manner and want of temper often subjected him to reproach. It was seldom Curran had an opportunity of retaliating upon his adversary the hostility which he encountered from the Court of Chancery, but when he had, he never failed to use it. One day, while Curran was arguing before the Chancellor, his Lordship stooped down to fondle a favourite Newfoundland dog. Curran suddenly stopped.

<sup>1</sup> Autobiography of Hamilton Rowan.

On the Chancellor inquiring why he did not proceed, "I thought," replied Curran, "your Lordship might be engaged in *consultation*."

But the severest castigation Curran inflicted upon his foe, was when he was before the Privy Council at the Castle in 1790. The question was "Whether the Sheriffs of Dublin and the Common Council, or the Board of Aldermen, had power to elect the Lord Mayor." It is not easy to see how such a question afforded grounds for a fierce personal onslaught on the Chancellor, but the old adage, "where there's a will there's a way," was then and there strikingly exemplified. Under pretence of describing the arbitrary conduct of a former Lord Chancellor of Ireland, Sir Constantine Phipps, Curran mercilessly tortured Lord Chancellor Fitzgibbon. The Chancellor did not long survive the Union he helped to promote. He died in Ely Place, Dublin, in April, 1802, aged fifty-four years.

## CHAPTER X.

## AN IRISH ELECTIVE MONARCHY.

Dalkey Island.—Its Charter.—Harbour of Dalkey.—Inscription on the Cullamore.—An elected king.—His royal titles. King Stephen.—His court officials.—Proceedings on election.—Confers titles.—Anecdote of Tom O'Meara and Lord Chancellor, Earl of Clare.—Poem on King Stephen's election to royalty.

AT the south-western extremity of the Bay of Dublin, separated from the mainland by a narrow channel about four hundred and forty yards wide, is a small island called Dalkey Island. It does not contain more than twenty-five or thirty acres of land, about half of which is fit for grazing cattle. There are many rabbits burrowing among the rocks and in the ruins of an old church. This venerable structure was dedicated to St. Benedict. A well, considered to have efficacy in curing blindness, is close to the church. Rude stone coffins are sometimes found close to the shore, showing the island was, in remote times, used as a burial-place. The inhabitants of Dalkey Island are now a few artillery-men quartered in one of the Martello towers, who serve a small battery of three twenty-four-pound guns.

That Dalkey was a place of importance in the early days of Anglo-Norman rule in Ireland may be inferred from its charter of incorporation, and by an enrolment of Edward III., A.D. 1358. The little harbour in Dalkey Sound appears to have been the port for arrival

and departure of various dignitaries. An inscription on the Cullamore, or great rock, informs us "that in 1414 Sir John Talbot, Lord Furnival, afterwards John, Earl of Shrewsbury, landed here to take upon himself the viceregal government of Ireland," and in 1558 "the Earl of Sussex embarked his forces here to invade the Scots, who had landed on the Isle of Rathlin, on the coast of Antrim."

But it is not of Dalkey in those remote days I desire to speak. The harbour of Dalkey no longer witnesses the arrivals or departures of the Queen's representatives in Ireland. The island is left to the custody of the three royal artillery-men, and the silence is rarely broken, save when an occasional visitor crosses the Sound to traverse the isle so often the scene of mirthful revel and melodious feasts; for here, towards the close of the last century, was exercised the royal rule of an Irish king. "His Facetious Majesty, Stephen the First, King of Dalkey, Emperor of the Muglins, Prince of Lamb Island, Duke of Lambay, Elector of Ireland's Eye, Protector of the Maiden Rock, Statholder of the Hen and Chickens, Sovereign of the Illustrious Order of the Lobster and Periwinkle. Champion of Cullamore, Respector of all Men's Faith, and Defender of his own."

In these days, when the title of our most gracious sovereign in India was hotly discussed, some hint might be drawn from the circumstance that his majesty, Stephen the First, placed his title of king before that of emperor, thus, in some degree, reversing Shakespearian reading of the respective merits of the titles when he says in King Henry V.,—

KING HENRY—"What are you?"

PISTOL—"As good a gentleman as the *emperor*."

KING HENRY—"Then you are a *better than the king*."

But there was no disputing King Stephen's authority. He only held his sovereignty for a year, resigning it when the grand annual festival of electing the king took place, usually in June. The dignity, however, might be re-conferred, and it was a source of natural pride to King Stephen, that he was always re-elected. This showed he was a beneficent sovereign, and beloved by his subjects. He had his courtiers like other kings, and their titles were suited to their place in the royal household.

The ministry was as follows :—

*The Keeper of the Royal Cellar*—LORD TOKAY.

*Master of Bouquets and Groom of the Button-hole*—LORD POSEY.

*Purveyor of Royal Sausages*—LORD BACON.

*Guardian of the Mountain Dew*—COUNT SHEEBEEN.

*Custodian of the Loaves*—LORD BARM AND BATCH.

*Chief of the Meat Stall*—BARON DE BŒUF.

*Master of Potatoes*—COUNT POMME DE TERRE.

The king, having been duly elected, at once proceeded, accompanied by his court, to the ruins of the old church, when the Archbishop of Dalkey preached a short sermon limited to five minutes. Then the Lord Chancellor of Dalkey was presented with a pair of white gloves, for he had no causes on his list. The Lord Keeper was entrusted with the care of the Round Tower, with power to confine therein any unruly subject. The Poet Laureate then recited his coronation ode—and the last poet laureate was no other than Thomas Moore—his early poetic effusions giving pro-



mise of his subsequent harvest of renown. The Lord High Admiral commanded the ferry boats in which the king and his lieges crossed Dalkey Sound. The court then proceeded to the Rocking Stone, placed at the south entrance to Dalkey Island, and there the king created his knights. Charles Incledon, the celebrated singer, was known in these Dalkey revels as "Sir Charles Melody;" Thomas Moore as the "Knight of Castalia;" a lady who wrote some clever verses was the "Countess of Laurel." The hospitable Dublin solicitor, Tom O'Meara, was one of the office-holders, as the following anecdote shows:—

When the Irish Government, towards the end of the last century, grew alarmed at the spread of French principles in Ireland conceiving the *fêtes* at Dalkey, were coverts for hatching treason, they resolved to inquire into the proceedings. The Lord Chancellor, Earl of Clare, being aware that Mr. O'Meara, who was well known in the convivial circles of Dublin, attended these reunions, sent for him, and the following dialogue is related to have taken place:—

Lord Chancellor—"I believe you hold an office in connexion with the kingdom of Dalkey, Mr. O'Meara?"

Mr. O'Meara—"Yes, my lord."

Lord Chancellor—"What are you?"

Mr. O'Meara—"I am Duke of Muglins and Commissioner of the Royal Revenue."

Lord Chancellor—"Have you any perquisites from your office?"

Mr. O'Meara—"I am allowed to import ten thousand hogsheads, duty free."

Lord Chancellor—"Indeed ! Hogsheads of what ? "

Mr. O'Meara—" *Salt water, my lord.* "

This showed the privilege was not very revolutionary.

King Stephen's name was Armytage. He was an eminent bookseller of Dublin, and his shop was the resort of the literati of the Irish metropolis, members of the bar, and of the Irish Parliament. As the author of the following pleasant poem has allowed its republication<sup>1</sup> I give it as an exact account of the festivities which took place on the election of King Stephen of Dalkey :—

I.

There was a king in Dalkey once,  
A king of great renown,  
Well known to all good fellows  
In country and in town.  
His royal court was the resort  
Of earls, lords, and high counts,  
Dukes, primates, baronets, and knights,  
And marquises and viscounts ;  
But every great court lady wept,  
For sure it must dishearten her,  
And her hands would wring, because the king  
Would have no royal partner !

CHORUS—But good King Stephen's dead and gone,  
His like we'll never see :  
And since we cannot drink his health  
We'll toast his memory !

II.

He had no standing army,  
No general or field-marshal,  
Or nice young officer to whom  
The ladies all are partial ;  
But he had a Lord High Admiral

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<sup>1</sup> The Knight of Innishowen, in "Temple Bar," vol. xxii. p. 267.

To row him safely o'er, .  
When once a year to the isle he'd steer,  
From the Rock of Cullamore.  
No harbour dues had Dalkey then,  
No smuggler ever sought her,  
For Stephen gave free trade to all  
In sea-weed and salt water !  
CHORUS—But good King Stephen, &c.

III.

He had a great Lord Chancellor,  
Well wigg'd and robed about him,  
But everybody said, a deal  
Of law was done without him.  
He had a great Lord Primate,  
On the voluntary system,  
Whose dues were small, or none at all,  
Or—Dalkey never missed them !  
He had a great Lord Keeper,  
To keep "the boys" in order,  
But the merry old elf couldn't keep himself  
Sometimes from sad disorder.  
CHORUS—But good King Stephen, &c.

IV.

He had a Court Physician,  
Who never gave him bother  
Like Sancho's, but would let him eat  
And drink like any other.  
Of *pommes de terre* he took his share,  
Of turkey, beef, and pudding.  
His favourite picking was duck and chicken,  
With peas and other wadding.  
And when the glasses were put on  
And the bottle circulated,  
He'd drink the company all down,  
At least, 'twas so related.  
CHORUS—But good King Stephen, &c.

## V.

Just over a year, the king, I hear,  
 Sent out his invitations  
 To all his lords and ladies gay,  
 And all their blood relations,  
 To Dalkey Isle, to come in style,  
 With spirits light and hearty,  
 And there debate affairs of state,  
 And have a grand sod party.  
 And, sure enough, they'd *quantum suff.*  
 Of business and of pleasure;  
 Then guest and crown, wash'd it all down,  
 And danced a merry measure!

CHORUS—But good King Stephen, &c.

## VI.

The king's delight was to select  
 The loveliest and youngest,  
 And lead the ball, at the head of all,  
 And keep it up the longest.  
 'Twas then the jig and hornpipe  
 They danced with pace most killing,  
 And not the heavy German waltz,  
 Or mighty slow quadrilling.  
 And when they danced each other down  
 They took another jorum,  
 And crown'd the night, in the morning's light  
 With the reel of Tullygorum.

CHORUS—But good King Stephen, &c.

May not we, who live in such prosaic times, say  
 with our pleasant bard in his concluding verse,—

## VII.

Oh, gentle Stephen, best of kings  
 And jolliest of mortals!  
 We greatly mourn you can't return  
 Through death's eternal portals.

We want your fearless wit, to lash  
An age of false pretensions !  
To trot our pride, down folly's ride,  
And show our small dimensions.  
We want your manly, jovial heart,  
We want your fun so glorious,  
With your merry train to come again  
To Dalkey, and reign o'er us.

CHORUS—But, Stephen dear, you're dead and gone,  
Ohone ! ohone ! a-ree !  
And since we cannot drink your health  
We'll toast your memory.

How changed is Ireland since those merry days when  
royal rule reigned in Dalkey !

## CHAPTER XI.

## IRISH PARLIAMENTARY HUMOURISTS.

## SIR BOYLE ROCHE.

Irish Bulls.—Boyle Roche's bird.—Preserving the Constitution.—French invasion.—Letter respecting his place.

## SIR JONAH BARRINGTON.

Born in 1760.—Adopted by his grandfather.—Singular accomplishments at eight years of age.—School-days.—Result of a house-warming.—Called to the Bar in 1788.—Enters Parliament.—Gets a place in 1793.—Marriage.—Defends the Earl of Ormond in Kilkenny.—Complimentary banquet at the Castle.—Presents from the Earl of Ormond.—Appointed Judge of the Admiralty Court in 1798.—Applies for the office of Solicitor-General.—Polite refusal.—His extravagant entertainments.—Noble guests, Arthur, Duke of Wellington, and Lord Castlereagh.—Dublin election in 1803.—Grattan's invective against Gifford.

## RIGHT HON. JOHN TOLER, LORD NORBURY.

## CHIEF JUSTICE OF THE COMMON PLEAS.

Born in 1745.—Paternal bequests and admonition.—Called to the Bar.—His aptitude for the Bar.—Solicitor-General in 1789.—Conduct in Parliament.—Fails to provoke Mr. Ponsonby.—Sends hostile message to Mr. Barrington.—The Speaker orders the arrest of the two members.—Curran's *bon mot*.—Anecdotes.—Lord Norbury's *bon mots*.—Judicial demeanour.

## JOHN EGAN, K.C.

Born about 1750.—Called to the Bar in 1778.—Nicknamed Bully Egan.—Egan's *nisi prius* vocabulary.—Enters the

House of Commons.—Conflict with Grattan.—Egan compared to a black soul.—Anecdote.—Curran's *bon mot*.—Egan votes against the Union.—Death in 1810.

WHILE, as we have seen, the great leaders of the Irish Bar were displaying their intellectual powers in the Irish House of Commons, there were other members of the legal profession, also members of Parliament, of varied talents, whom I may call Irish Parliamentary Humourists.

If they did not add much to the wisdom of the Irish Senate they certainly did to the wit. If they failed to rouse the slumbering benches from the torpidity of a dull debate by a display of argument, they often succeeded in doing so by a lively sally or happy repartee. They were to the House what a clown is to the circus, or a harlequin to the pantomime, and of these there may be instanced notably Sir Boyle Roche, Jonah Barrington, John Toler, and Bully Egan.

### SIR BOYLE ROCHE.

BOYLE ROCHE was, as his name implies, of a county Cork family, where the Roches have been settled from very remote times, giving their name to places and peerages, as Castletown-Roche, Roche country, and the titles of Roche and Fermoy. Boyle Roche appears to have made himself useful to successive viceroys towards the close of the last century, and was a species of whipper-in for the Castle. He held a subordinate office in the Irish Custom-house in the Revenue department. Sir Boyle Roche soon became popular in the House of Commons, always ready to be amused, for

his singular success in the production of Irish bulls. It is generally supposed these figures of speech prevailing among our countrymen do not spring from want of ability, but rather from excess of imagination. They are attributable to the fertility of thought, the rapidity with which ideas rush on the mind, jostling one another, and becoming confused in the utterance, display incongruity. It is said the gifted Sir Richard Steele attributed their bulls to climate, and declared "if an *Englishman was born in Ireland* he'd make as many." There is no doubt bulls are occasionally perpetrated by others than natives of Ireland, as in the case of the English viceroy who advised that "the greatest economy was necessary in the consumption of all *species of grain, especially of potatoes.*"

Boyle Roche represented several places in the Irish House of Commons, having successively been elected for Tralee, Gowran, Portarlinton, and Old Leighton. He excused his absence from some engagement by assuring the House, "No *man* could be in two places at once, *barring he was a bird.*" He concluded a long speech with this peroration: "Why should we put ourselves out for posterity? What, I ask, did posterity ever do for us?" He said in concluding a speech, "It would be better, Mr. Speaker, to give up, not only a part, but, if necessary, even the *whole* of the Constitution to *preserve the remainder.*"

Speaking of the invasion then expected from France he styled the *Marseillaise* the "*Marshal-law* men, who, if they came, would cut us into mince-meat and throw our bleeding heads on the table to *stare us in the face*; but the best way to *avoid danger* was to *meet it plump.*"



We can readily conceive the shouts of laughter such a speech is likely to have elicited.

Sir Boyle Roche must have done service to the State when, in 1782, he was created a baronet. It is stated he was the messenger employed by Lord Kenmare, in 1783, to state "that the Catholics were satisfied with what had been done for them," which turned out to be untrue.<sup>1</sup>

Besides these I have mentioned many other amusing bulls are attributed to him. His moving in Committee, on the Bill then before the Commons, for the better regulation of weights and measures, that "every quart bottle should hold a quart;" "that every man should be his own washerwoman." His invitation to a nobleman who spoke of visiting that part of the country over which Sir Boyle lived, "If ever you come within a mile of my house, my lord, I hope you'll *stop there.*"

Sir Boyle Roche, as might be expected, was a supporter of the Union, and had a keen eye to his own interests. This is fully shown in the following letter which he addressed, after the Act of Union, to Lieutenant Colonel Littlehales, who held a very influential office in the Irish Government:—

*"Tuesday, May ye 12th, 1801.*

"DEAR SIR,—I was surprised exceedingly to be informed that Mr. Gerald Aylmer was put into the patent with me as Inspector of the river Kenmare, which has been a great disappointment to me, as Mr. W. A. Crosbie and I had come to an agreement about the exchange of our places, and he was certain that he

<sup>1</sup> *Vide* Gibson's Hist. of Cork, vol. ii. p. 266.

had interest enough with Lord Hardwicke to effect it, which would have been very convenient for both, as he who desires to live in England, would have been accommodated with a sinecure place, and I, who intend to be a resident in Dublin, should be very happy in his situation as a Commissioner of Stamps. I have now been an officer in the Revenue upwards of twenty-five years, and am entitled, by the Revenue laws, to retire upon my emoluments. My salary was 300*l.* a year, paid quarterly. I had a deputy with me at 60*l.* a year, which entirely excused me from any attendance. My deputy was obliged to share all captures with me, the value of which were at times considerable, all of which I am willing to compromise for 400*l.* a year, upon the incidents of the Revenue; and in doing this, I shall be rather a loser than a gainer. If the Lord Lieutenant can do this before his departure, he would add to the obligations he has already conferred upon me.

"I request you, with your usual goodness to me, will lay this letter before his Excellency.

"I am, dear sir, ever affectionately yours,

"B. ROCHE."

Though his *affectionate* friend "could not interfere in this matter," as he informed Sir Boyle—the Irish jester did not fare badly. He obtained a separate pension of 200*l.* a year, and one jointly was settled on him and his wife of 300*l.* shortly after writing the above letter, so as my Reverend friend informed us, "Sir Boyle Roche made no blunder here."<sup>2</sup>

<sup>2</sup> Gibson's History of Cork, vol. ii. p. 268.

## SIR JONAH BARRINGTON.

It is, perhaps, not quite fair to designate Sir Jonah Barrington as a mere humourist, or to include him in the same category as the Boyle Roches. He was a man of considerable ability, of great industry, and his extravagant habits were, perhaps, the result of the times in which he lived, and the society in which he moved. Sir Jonah Barrington was a native of the Queen's County, born at Knapton, near Abbeyleix, about the year 1760. His family possessed considerable property and political influence, which enabled them to return the two members for the borough of Ballynakill to the Irish House of Commons. Jonah was the fourth son, and called after his grand-, as well as god-father, Colonel Jonah Barrington, who adopted him. At a very early age the youthful Jonah exchanged the paternal roof of Knapton for the house of the old Colonel at Cullinamore.

While here his accomplishments were more varied than valuable. Before he was eight years old he could read prose and poetry, write text, draw the outlines of a man, a horse, or a house and a gamecock, tin a copper saucepan, and turn his own tops. He could also perform the manual exercise, and had learnt how to mould bullets, make pins, and blackball; to dance a jig, sing a cronane, and play the jewsharp.

Gifted with this range of polite literature and entertaining knowledge, young Jonah was removed from Cullinamore on the death of his grandfather. He was then placed at the Academy of Dr. Ball, of St. Michael-a-Powell's, Ship Street, Dublin. There the

course of instruction was changed—English and Latin was the order of the day, and when young Barrington acquired sufficient learning to enter College, he was placed with the Rector of Kilgobbin, the Rev. P. Crawley, of whom he always entertained a grateful recollection, and, under whose care he studied while graduating in Trinity College, Dublin. In his “*Personal Sketches*” he is not very complimentary to the College course, which he describes as “ill-arranged, pedantic, and wholly out of sequence.” “Students were examined in ‘*Locke on the Human Understanding*,’ before their own had arrived at the first stage of maturity; and Euclid was pressed upon their reason before any one of them could comprehend a single problem. We were set to work at the most abstruse sciences before we had well digested the simpler ones, and posed ourselves at optics, natural philosophy, ethics, astronomy, mathematics, metaphysics, &c., without the least relief from belles lettres, modern history, geography, or poetry; in short without regard to any of those acquirements—the classics excepted—which form essential parts of a gentleman’s education.”<sup>3</sup> Having graduated at the University he was, for some time, undecided in the choice of a profession, and passed the interval in the country, enjoying rural sports and pastimes, of which he gives some amusing descriptions. One of his brothers having built a hunting-lodge, determined to give a house-warming, before the plaster in the dining-room was dry, and Sir Jonah Barrington thus describes what he witnessed on the morning after the convivial repast. “On driving

<sup>3</sup> Barrington’s *Personal Sketches*, vol. i. p. 59.

to the cottage door I found it open, whilst a dozen dogs, of different descriptions, were ready to receive us, not in the most polite manner. My servant's whip, however, soon sent them about their business, and I ventured into the parlour to see what cheer.

"It was about ten o'clock in the morning, the room was strewn with empty bottles—some broken—some interspersed with glasses, plates, dishes, knives, spoons, &c., all in glorious confusion. Three or four of the Bacchanalians lay fast asleep upon chairs—one or two others on the floor, among whom a piper lay on his back, apparently dead, with a table-cloth spread over him, and surrounded by four or five candles, burnt to the sockets, his chanter and bags were laid scientifically across his body, his mouth was quite open, and his nose made ample amends for the silence of his drone. Joe Kelly, and Mr. Peter Alley, were fast asleep in their chairs, close to the wall.

"When the *débris* was cleared away, and replaced by an orderly breakfast-table, on trying to arouse the two sleepers near the wall, it was found that their hair had got imbedded in the fresh mortar, which had set with the heat, and they could only be extricated by cutting away with knives—a tedious process—assisted by clipping with a scissors."

Jonah Barrington at length decided on studying for the legal profession, and was called to the Irish Bar in 1788. He entered the Irish House of Commons as member for Tuam, and speedily was ranged among the supporters of the Government. He had the temerity to enter the lists with Grattan and Curran, and always entertained a grateful recollection of the forbearance

which those giants of debate exercised towards the aspiring young member.

The Irish Government had such high opinions of his political influence, that the Viceroy resolved to secure Mr. Barrington's support by giving him a place; and, in 1793, the Chief Secretary, Lord Buckinghamshire, communicated the pleasing intelligence that the Lord Lieutenant placed at his acceptance the almost sinecure office of "Clerk of the Out Entries at the Port of Dublin." He demurred at first to the name and nature of the office, as unprofessional, but finding the duties were such as could be well performed by deputy, and yielded an income of over 1100*l.* per annum, he consented to take it. At the same time it was intimated to him that the Lord Chancellor (Lord Clare) consented to his becoming a King's Counsel, which contributed greatly to increase his practice, both on Circuit and in the Dublin Four Courts. Mr. Barrington purchased a house in Merrion Square, and here he indulged in prodigal hospitality. He married the daughter of Mr. Grogan, a wealthy merchant, with whom he received a considerable fortune.

Though not distinguished for profound legal ability he had a ready tact and dauntless assurance, which supplied the want of learning. He made some lucky hits, as the following instance shows:—

John, Earl of Ormond, together with his sons and some thoughtless companions, made a nocturnal attack upon the windows of a Mr. Duffy, a Kilkenny apothecary, who brought an action against the Earl of Ormond. The case naturally excited great interest in Kilkenny, where it was to be tried, and Mr. Barrington, K.C.,

and Mr. Fletcher, K.C., as leader, were engaged for the defence. Fees of fifteen guineas each were sent with the brief, and when the case came on Mr. Fletcher, K.C., refused to address the jury as the professional routine required the senior to do. Barrington remonstrated in vain. Mr. Fletcher was sulky, as was often the case, and would not speak. Barrington then addressed the jury, and was so successful as to induce the jury to find the verdict for the defendant. His lordship, though aware how very differently his counsel had behaved in the case, thanked them both without any distinction, to the surprise and mortification of Mr. Barrington. Thus the matter rested until the ensuing Assizes, when a grand dinner-party, to which the judges, the bar, several of the grand jury, and the county magistrates of Kilkenny were invited, was given by the Earl of Ormond at Kilkenny Castle. As soon as the ladies had retired his lordship addressed the company as follows :—  
“Gentlemen, I have waited with impatience for this public opportunity of expressing to Mr. Barrington the high sense I entertain of his important and disinterested services to me at the last Assizes. I now beg his acceptance of a small testimonial of my gratitude and friendship.” And he immediately passed along the table a superb gold snuff-box, with the heraldic blazonings of the puissant house of Butler on the lid, and the following inscription :—

“A token of friendship and gratitude from the Earl of Ormond and Ossory to Jonah Barrington, Esq., one of his Majesty’s counsel-at-law, August, 1794.”

This handsome compliment was not all. Next morning Mr. Barrington received the following note :—

"DEAR SIR,—My attorney did not do you justice ; you will permit me to be my own attorney on this occasion.

"Your friend and humble servant,  
"ORMOND AND OSSOBY."

The envelope contained a hundred pounds.

Barrington's hostility to the Union must have been very galling to the Irish Government, which had done so much for him. In 1798, when the office of Judge of the Admiralty Court became vacant, it was conferred on him in addition to his other office. Whether he was sincere in his resolution not to vote for the Union under all circumstances may be doubted, for, unquestionably, he applied to the Chief Secretary, Lord Castlereagh, in 1799, for the Solicitor-Generalship, and it would be inconsistent with the position of the second law officer of the Crown not to support his colleagues. This application was, however, civilly, yet positively declined in the following terms :—

"September 7th, 1799.

"MY DEAR SIR,—I am directed by his Excellency the Lord-Lieutenant to assure you that he would be glad to avail himself of any proper opportunity of complying with your wishes, and that he regrets much he is at present so particularly circumstanced with regard to the office of Solicitor-General that he feels it impossible to gratify your desire for that appointment. I should myself have been very happy had I been able to communicate to you a more favourable result.

"Dear sir, yours very sincerely,  
"CASTLEREAGH."



The character of Sir Jonah Barrington is thus sketched in a very carefully compiled work entitled, "Sketches of Irish Political Characters," and published in 1799. Though the author of these sketches very prudently concealed his name, or assuredly he would have had more duels on his hands than would be agreeable, we now know he was a Mr. Henry MacDougal, who had good opportunity of observing closely and writing correctly respecting the subjects of his books.

Of Barrington he says, "This gentleman became celebrated by the resignation of his commission in the Dublin Lawyer's Cavalry, and his decided opposition in the Irish House of Commons to the proposed Legislative Union. At the time of his opposition he held *two* lucrative appointments under Government—Clerk of the *out entries* at the Custom House, and Judge of the Irish Court of Admiralty, which yielded an income, the former of 1100*l.* per annum, the latter of 1300*l.* per annum.

"Till the Union was proposed no man was more forward in the support of administration, no debate passed in the Commons in which he did not bear a part, and out of it, as an officer in the lawyer's corps, he repeatedly risked his life against the insurgents. He does not rank high either as a lawyer or a speaker, but he has great application, and, consequently, some business. As a speaker his manner is bold and daring, and to his intrepidity he owes his advancement. It was he who put down Mr. Egan. His marriage with the daughter of a Dublin silk-mercator, who had a large fortune, was his first step to distinction. It enabled him to keep a genteel establishment, and he soon

dashed into public notice with an effrontery which had seldom been surpassed. He is supposed to have the same notion of blushing that a blind man has of colours."

The ostentatious and extravagant style in which he lived, then very common in Ireland, and leading to the growth of those incumbrances which led to the Landed Estates Court, may be judged from his own words. In his "Personal Sketches" Sir Jonah thus describes one of his fêtes:—"I occasionally gave large splendid dinners, according to the habit prevailing at that time, among persons circumstanced like myself. At one of these parties, Major Hobart (Lord Buckinghamshire), Sir John Parnell, Isaac Corry—I think Lord Limerick—Sir John, afterwards Lord De Blaquière, and Lords Landaff, Dillon, and Yelverton, the Speaker, in all upwards of twenty noblemen and gentlemen did me the honour of partaking my fare. Lord Clonmel sent me his two grand cooks, and a most cheerful party was predicted. The House sat late that day, and etiquette never permitted us to go to dinner when the Speaker was a guest until he arrived, unless he had specially desired us to do so. The Speaker did not join us until nine o'clock, when Sir John Parnell brought with him and introduced to me Captain Wellesley and Mr. Stewart, two young members, who, having remained in the House, he had insisted on their coming with him to my dinner, where he told them good cheer and a hearty welcome would be found, and in this he was not mistaken." The two young members thus somewhat unceremoniously brought to Sir Jonah's grand dinner-party afterwards occupied a high place in European history.

Captain Wellesley became Arthur, Duke of Wellington, and Mr. Stewart Lord Castlereagh.

I have not much to relate about Sir Jonah Barrington subsequent to the Union. His opposition to that measure made him very popular, and, in 1803, a dissolution of Parliament having occurred, he and Mr. Latouche, the opulent banker, were candidates for the city of Dublin, supported by the Liberal party in opposition to Messrs. Beresford and Ogle. Barrington had reason to feel proud of his position; he was warmly supported. The four who earliest recorded their votes for him were George Ponsonby, shortly afterwards Lord Chancellor of Ireland, Curran, Master of the Rolls, the Right Hon. Henry Grattan, and Mr., afterwards Lord Plunkett, the four men most remarkable for fidelity to the Irish nation. It was upon this occasion Grattan pronounced perhaps his most vehement invective. A noted tool of the Orange clique, who lost no opportunity of irritating and annoying the Liberal party was John Gifford, usually termed the "Dog in Office." When Mr. Grattan appeared at the hustings to support Barrington and Latouche, Mr. Gifford objected to his vote being received, on the ground of his having been expelled from College by the Report of Lord Clare's Committee. This was a pure fiction, and Mr. Grattan was determined then and there to denounce the base insinuation. Darting on the Dog in Office a look of scorn he said, "Mr. Sheriff, when I observe the quarter from whence the objection comes, I am not surprised at its being made. It proceeds from the hired traducer of his country; the excommunicated of his fellow-citizens; the regal rebel; the un-

punished ruffian ; the bigoted agitator. In the City a firebrand, in the Court a liar ; in the Streets a bully, in the Field a coward. And so obnoxious is he to the very party he wishes to espouse that he is only supportable by doing those dirty acts the less vile refuse to execute."

No wonder the object of this fierce onslaught was unable to reply. When he did find his voice, he hissed out, "I would spit on you in a desert."

Barrington was not elected on this occasion, and lived chiefly in France, most likely to be away from his creditors. He held his judicial office until his death in 1830. While residing abroad he published his amusing "Personal Sketches," and his "Rise and Fall of the Irish Nation," in which he details the wholesale bribery and corruption used to effect the Legislative Union with Great Britain. In many respects it is a valuable addition to our historical and biographical literature.

### JOHN TOLER, LORD NORBURY.

Among those members whose jokes and drolleries enlivened the Irish House of Commons during the evening of its days, must be mentioned John Toler. He was a native of the county which produced John Scott—Tipperary. John was born at Beechwood in that county, on the 3rd December, 1745. He was the second son, and it is related, that when his father was near his end, he called his two sons to his bedside, and addressing John, told him "as the estate was to go to his elder brother, all he could afford to give him was fifty pounds, and these," said the dying Tipperary

squire, drawing from beneath his pillow a pair of handsome silver-mounted pistols. "Now, Jack," he added, "be always ready to keep up the credit of the family, and the honour of an Irish gentleman."

These paternal words were not forgotten. John Toler studied for the Bar, and with a bustling, pushing, brow-beating manner shoved more learned men aside, and got his foot on the ladder of preferment. He managed to acquire power and influence, so that he became Serjeant in 1783, Solicitor-General in 1789, and Attorney-General in 1797. It is a fact that the appeal to arms often concluded an Irish Parliamentary debate, and on these occasions the Solicitor-General's motto was *Toujours près*. He tried to provoke a *casus belli* with Mr. George Ponsonby, and used most offensive expressions for that purpose, but Mr. Ponsonby disdained to notice them. This reticence was exceptional; there were plenty of fighting men in the House, and Mr. Solicitor was not allowed to trail his coat "without its being trodden on." Sir Jonah Barrington said of Mr. Toler, "the honourable gentleman was one of those who had a hand for everybody, but a heart for nobody." Toler considered this personal, and sent a friend to demand an apology or satisfaction; Barrington was quite ready to give any amount of satisfaction, but no apology, and the proceedings were so publicly arranged in the House, the Speaker felt called on to interfere. Accordingly he directed the Sergeant-at-Arms to arrest both honourable members, for being guilty of disturbing the decorum of the House. Both attempted to escape. Barrington got outside, and made off, but was captured

in Nassau Street. Toler only got as far as the door. In his haste to escape he shut it so quickly he caught the tails of his coat, which held him fast until the Sergeant-at-Arms arrested him. When brought before the Speaker he looked like a truant school-boy in a round jacket, for the skirts were completely torn away.

Curran caused general merriment by stating "that, in his opinion, for one honourable gentleman, *to trim another's jacket* in that style, within the precincts of the House, nay, within sight of the Speaker, was quite unparliamentary."

Both members having promised to keep the peace were released from durance. Many of Toler's jokes are already in print, others are not so. When he was Chief Justice he was pressed by a barrister named Wallace, to nonsuit the plaintiff. But the judge decided on letting the case go to the jury.

"I do believe," cried the disappointed Wallace, "your Lordship has not the *courage to nonsuit*." The Tipperary blood was stirred within the Chief. "You say, Mr. Wallace, you don't think I'd have courage to nonsuit. I tell you I have courage to shoot, and courage to non-shoot, but I'll not nonsuit for you."

This was the same counsel who was horsewhipped by Major Macnamara near Nelson's Pillar in Sackville Street, and applied for a Criminal Information against the Major.

"Certainly he shall have it," said the punning Chief Justice. "The Court is bound to protect any one who has *bled under the gallant Nelson*."

When John Toler, Lord Norbury, sat at Nisi Prius

his constant fire of puns—the repartees of the Bar, and applause of the spectators—often raised a terrible din. A witness being asked, “What his business was?” replied, “I keep a *racket-court*.” Lord Norbury instantly exclaimed “So do I! so do I.”

One of the happiest *bon mots* of the Chief Justice of the Common Pleas was uttered when Dr. Troy was Roman Catholic Archbishop of Dublin. The Archbishop constantly entertained the leading members of the famous Catholic Association, and among them Mr. *Æneas* MacDonnell. This gentleman happened to be leaving the dinner party at the Archbishop’s when Lord Norbury was passing with a friend. “There goes the ancient warrior,” whispered the punster to his friend. “Whom do you mean?” was the inquiry. “The *pious Æneas* returning from the *Sack of Troy*.”

Lord Norbury had a testy neighbour in the country near Phibsborough, whose cattle often roamed on his Lordship’s grounds, but when the cows of his Lordship returned their visit, he was threatened with an action for damage done. To this he replied somewhat irreverently, “Forgive us our trespasses, as we forgive them that trespass against us.”

Lord Norbury, walking to Court one morning, saw a crowd on the Quay, near the Four Courts. He inquired the cause, and was informed “a tailor had just been rescued from attempting suicide by drowning.”

“What a fool,” responded the Chief Justice, “to leave his *hot goose* for a *cold duck*.”

Riding with a friend named Spear, who was mounted on a high trotting horse, Lord Norbury said, “he should call the quadruped *Shakespeare*.”

On another occasion a Mr. Pepper being thrown from his horse, Lord Norbury inquired "if the horse had any name?"

"Yes," said the owner, "We call him Castor."

"And a very good name for him," replied his Lordship; "but henceforth you may call him *Pepper Caster*."

A gentleman having boasted in his presence "of having shot seventy hares before breakfast," Lord Norbury caused a laugh by observing, very drily, "I dare say you *fired at a wig*."

Curran often raised a laugh at Lord Norbury's expense. The laws, at that period, made capital punishment so general that nearly all crimes were punishable with death by the rope. It was remarked Lord Norbury never hesitated to condemn the convicted prisoner to the gallows. Dining in company with Curran, who was carving some corned beef, Lord Norbury inquired, "Is that hung beef, Mr. Curran?" "Not yet, my Lord," was the reply, "*you have not tried it*."

While charging a jury after his usual fashion,—now a reference to the parties in the suit, "how he knew the plaintiff's father, and loved him, and of what a respectable family the defendant was," then a quotation from a play, or a pun upon a witness, making an *alla podrida* of most incongruous material,—Lord Norbury's address was drowned by the braying of an ass.

His Lordship, not guessing the cause of the interruption, impatiently inquired, "what noise is that?" "Merely the *echo of the Court*, my Lord," was Curran's sarcastic reply.

The son of a Peer having been accused of arson, of



which offence he was generally believed guilty, but acquitted on a point of insufficiency of evidence to sustain the indictment, was tried before Lord Norbury. The young gentleman met the Judge next at the Lord Lieutenant's levee in the Castle. Instead of avoiding the Chief Justice, the scion of aristocracy boldly said, "I have recently married, and have come here to enable me to present my bride at the Drawing Room."

"Quite right to mind the Scripture. Better *marry than burn*," retorted Lord Norbury. He held his judicial position until Mr. Canning became Premier in 1827, when he resigned on terms of being made an Earl. This was granted and Lord Plunket succeeded him.

#### BULLY EGAN.

Among the strange characters who practised at the Irish Bar, and occupied seats in the House of Commons at its close, may be fairly ranked a member of the Irish Bar who acquired considerable distinction—John Egan, K.C. Mr. Egan was a native of Charleville, county Cork, which, in later years, also produced a barrister better known to literature than law—John Anster, LL.D., the poet.

Egan was born about the year 1750, and educated by his father, a clergyman, who kept a school. Having taken his degree as Bachelor of Arts in the University of Dublin, John Egan resolved to study law, and became a student in London. Here he found employment as a private tutor and newspaper correspondent. He got called to the Irish Bar Michaelmas Term, 1778, and married a widow with a good fortune.

Egan's practice at the early part of his professional career was chiefly acting as counsel in contested elections, where he so distinguished himself by his browbeating, rough manner, as to acquire the sobriquet of "Bully Egan." His large muscular figure, his stentorian voice, face like a full moon, and well known readiness to fight, made him a most useful ally on many elections.

It may be presumed Bully Egan generally received a *fighting fee*, for he fought a number of duels, both with sword as well as pistols, and, I believe, never received a wound. One of his duels was with Curran. When on the ground Egan complained "of the disadvantage he presented over Curran, he being as big as a haystack, and Curran like a blade of grass."

"Oh! Mr. Egan," replied Curran, "I have no wish to take any unfair advantage. Let my size be chalked upon your body, and I'm satisfied that any shots of mine which hit outside the chalk shall not count."

This request was immaterial, for there was no one hit.

Egan had also considerable practice at Nisi Prius, and the specimens of his address to the jury show more sound than sense. On one occasion alluding to the eloquent address of his opponent—a dark visaged barrister—he begged the jury "not to be carried away by the *dark oblivion of a brow*."

"How can you use such balderdash?" remonstrated his learned friend.

"It may be balderdash," replied Egan, "but depend on it it will do very well for *that jury*."

On another occasion, having exhausted the usual

vocabulary of vituperation, he concluded by describing the defendant as “a most *naufraigeous ruffian*.”

“What in the world do you mean by that?” whispered his astonished junior.

“I have no idea,” responded Egan, “but I think it *sounds well*.”

When Barry Yelverton became Chief Baron of the Exchequer he greatly favoured Egan, whose practice in that Court became very lucrative. In 1787 he received the silk gown of King’s Counsel, and was elected a Bencher of the King’s Inns. About this time he entered the House of Commons and made some remarks with reference to the conduct of the late viceroy, Earl Fitzwilliam, which drew down upon him the unsparing tongue of Grattan, who said, “Another honourable member was pleased to say much to the prejudice of Lord Fitzwilliam’s administration; to that I have only to answer it was a little unfortunate for the honourable gentleman’s political consistency that he did not much sooner discover the errors of that administration, which, while in power, was the object of his strenuous support and the subject of his warm panegyric. At the same time that I am to thank him for the support—I would say the unsolicited support—which he gave to the administration, no doubt from the purest motives, and without any aim to patronage (for the honourable gentleman is his own patron), I own I am not much surprised at his language. He has said something of the bad intentions which actuate myself and my friends in a style of moderation peculiar to himself. He has talked much of French principles, and of insurrection, and, I believe, amongst other

things, said something of cutting off my head, and this in a manner so peculiarly his own, that, though I did not actually behold the *guillotine* of which he spoke, I certainly thought I saw the *executioner*." This was truly an *argumentum ad hominum* which Egan was not slow to resent. He certainly did resemble an executioner or brawny butcher. He said, "As I am attacked in this way I will show the right honourable gentleman and his friends that I do not want bottom to retort such attacks. I will teach them that no *little duodecimo volume of abuse* shall discharge it rancorous contents against my person or my character without meeting the treatment it deserves. I will have the member also to know that no part of the support which I gave to Lord Fitzwilliam's administration was directed to him. I disdained to make him the idol of my admiration. I shunned his intimacy, even when he was in the zenith of his power and strutted in pigmy consequence about the Castle. I believed Lord Fitzwilliam to be a nobleman of the purest intentions, and, acting on that opinion, did vote in support of his administration, but I soon saw he was the dupe of a family compact and the tool of little men who thought to swell themselves into importance, and, Colossus-like, bestride the country, while the gentlemanhood of Ireland was to be haughtily excluded from the court of the Viceroy. I have no party views, no ambition to gratify, no selfish object in supporting the present administration, no promises or expectations from them, and, though it is too true that I was occasionally duped into voting with the *seven wise men opposite*, yet, with more experience I perceived their conduct was the mere re-

sult of disappointed party—the mere malevolence of defeated ambition.” Mr. Egan then went on to refer to the grant of 50,000*l.* to Mr. Grattan, which he thought deserved at the time, but considered Mr. Grattan had since done irreparable mischief.

It is necessary to pursue this sad personal conflict a stage further to show the extreme lengths to which personality was carried in the Irish Parliament.

Mr. Grattan in reply said, “I have no wish to go out of my road to attack the honourable member, but if he will throw himself across my way I have no objection to tread on him. If, however, he imagines that anything like vulgar ruffianism or paroxysms of fury are to intimidate, he will find himself mistaken; for the manner of that ruffianism, the folly of these paroxysms, and the blockheadism of the fury are too ridiculous to excite serious notice.<sup>4</sup> I smile at them. The honourable member in his contortions presented to my mind the idea of a black soul writhing in torments, and his language very forcibly associated with the idea of a certain description of the fair sex, with whom, in manners and dialect, he seems zealously to assimilate. As to the menaces of the honourable member to disclose any confidence he ever enjoyed from me, I feel them in the sort of disregard they merit, and I answer in the words of the poet,—

‘ There is no terror, Cassius, in your threats ;  
For I am armed so strong in honesty  
That they pass me by as the idle wind  
Which I regard not.’ ”

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<sup>4</sup> Surely the Speaker ought to have noticed such epithets.

It is truly pitiable to find educated gentlemen, elected to discuss affairs of grave importance, the interests of constituents and country, fling aside all thoughts of duty and indulge in recriminations and personalities such as I here set down. Among those who should combine together for the common weal were Grattan and Egan both decidedly hostile to the projected Union, and here they were abusing each other in most scurrilous terms.

The people sided with Grattan, and discovered an ingenious mode of annoying Egan. The waiters at the country hotels would inquire "What the guests wished in the way of fish for dinner?"

This brought out the question, "What fish can you give me?"

The regular response was "An Egan, sir."

The puzzled stranger would inquire, "What do you mean by an Egan?"

"Oh, sir, that's what Mr. Grattan calls Mr. Egan; it's '*a black soul (sole) fried.*'" Thereupon Mr. Egan was known as the Black Sole.

Egan occasioned rather a coarse pun to Curran. He was contesting the borough of Tallow, in the county of Waterford, and the contest was going against him when he met Curran, who observed him in violent perspiration.

"Yes, my dear Egan," exclaimed Curran, "I see plainly *you are losing Tallow fast.*"

One of Egan's best parliamentary speeches has been described by Sir Jonah Barrington as a most sincere, clumsy, powerful oration. He had great vehemence and fluency, but his language was just what came

uppermost, for he never cared to make a selection, and the speech was full of power, but the power of a runaway horse, plunging and kicking at all that approached. It was well said he was like the Trojan horse, *sounding as if he had armed men inside of him.*

The division of the debate on the Union gave great hopes that the Union Bill would be defeated. It was a most protracted debate. Some sixty members had spoken. One hundred and five voted for the Union and one hundred and eleven against the Bill. Egan was the last who entered the House to vote against the Bill, and when his huge bulk and beaming face was seen he was hailed with loud and continued cheers. When the number of the members who preceded him was told as 110, he flourished a large sprig of shillelagh, "more like a club than a stick," and waving it over his head shouted, "I'm a hundred and eleven!" then throwing himself on a bench with an immoderate fit of laughter.

It is said he was offered to be made one of the Barons of the Exchequer with the income of 3500*l.* a-year if he would support the Union, but he peremptorily refused. When some one hinted he might lose his office of Chairman of Kilmainham, he replied, "I'll stick to old Ireland, and to the d—— with Kilmainham." He continued its chairman till he died in 1810.

## CHAPTER XII.

## OPPOSITION OF THE IRISH BAR TO THE UNION.

The Irish Bar strongly opposed to the projected Union.—Sketch of Mr. Saurin.—Of Huguenot extraction.—Born in 1758.—Called to the Bar in 1780.—Anecdote of his retentive memory.—Aristocratic marriage in 1786.—Elected Colonel of the Lawyer's Corps of Volunteers.—Takes the Requisition for the Bar Meeting against the Union.—Spirited address to the Lord Chancellor.—Letter from the Viceroy to the Duke of Portland.—Bar Meeting.—Speeches of Mr. Grady and Mr. Goold.

THERE was very determined opposition offered to the proposed Legislative Union between Great Britain and Ireland in several quarters ; but none was more vehement than from the members of the Irish Bar. Many of them had seats in the House of Commons, and made their mark by their ability and patriotism. Prominent amongst these gentlemen was Mr. Saurin, member for Blessington. He was so remarkable a man that he deserves more than a passing notice. When the ill-advised revocation of the Edict of Nantes by Louis XIV. banished the industrious members of the Huguenot creed from their native land the ancestors of Mr. Saurin settled in Ireland, where William Saurin was born in 1758. In 1775 he became a student of the Dublin University as fellow-commoner, and during his collegiate career obtained the highest honours. Having taken his degree he went to London and entered as law student



at Lincoln's Inn. While in London he was most diligent in storing his mind with legal principles, and learning the practice of his profession in Westminster Hall. Far better prepared than most juniors, he was called to the Irish Bar in 1780. To very great reasoning power he united a most retentive memory, of which a friend gave me the following instance:—"When I was an attorney's apprentice a foreclosure suit in Chancery from our office came on for hearing. Mr. Saurin was to state our client's case. The property was greatly involved; there were many titles to be traced, and various denominations of land, with very jaw-breaking names, as Garrycaghera, Bouladarrigha, and Courawadlagh. When the cause of *Hogarty v. Hiffernan* was called Mr. Saurin pulled brief after brief from his huge bag, until he emptied it on the table in the Court of Chancery. Then, leaning over to me, he whispered, 'Have you got the prayer of the bill?' which luckily I had. I handed it to him; and opening one of the large briefs he commenced his statement. On he went, clear and precise, with the statement of titles and denominations of land, and nature of incumbrances, until he completed the statement. Then the proofs were read; and when the decree was pronounced and the case over, I said, 'I'll take home your brief, Mr. Saurin.'

"He smiled as he replied, 'It is on my study-table. I was noting it since day-break, and forgot it as I was leaving home; but you see I did not forget its contents.'"

In 1786 Mr. Saurin formed an aristocratic connexion. He married the widow of Sir Richard Cox, Baronet,

and sister of the Marquis of Thomond. When the lawyers enrolled themselves in the national army of Volunteers, they elected Mr. Saurin Colonel of the Lawyers' Corps.

Soon as it was known that a great Bar meeting was called to protest against the proposed Union, the then Lord Chancellor, Earl of Clare, did all he could to prevent the meeting. Mr. Saurin, undeterred by the hostility of the Chancellor, took the requisition for convening the meeting into the Court of Chancery, in order to obtain the signatures of members of the Bar. The Chancellor no sooner observed him than, casting a scowling glance on Mr. Saurin, he said, "It is very wrong, sir, to come here to interrupt the business of the Court!" Saurin replied, "Yes, my Lord, I fully concur with your Lordship; but to this, as to every other rule, there are exceptions. I should not trespass on your Lordship's time, and retard for a moment the business of the Court, unless I felt convinced—and I only speak the general sentiments of the Bar—that the dignity and authority of your Lordship's Court will be less impaired, the rights and privileges of the profession more securely established, and the general welfare of the country based on a firmer foundation, by resisting a measure fraught with ruin to all. The paper I have just now submitted to my brethren for their signatures and approval contains a requisition for a Bar meeting on that momentous subject; and I pray your Lordship to ascribe my conduct, if you look on it with displeasure, to any other feeling than that of the most profound respect for your Lordship and this high Court." The Chan-

cellor merely bowed, but watched eagerly who signed the requisition. To his mortification six out of seven King's Counsel present promptly affixed their names. Several of the judges, also, were strongly opposed to the Union. The Viceroy, Lord Cornwallis, writing to the Duke of Portland, says,—

*“Dublin Castle, Dec. 4th, 1798.*

“Lord Carleton<sup>1</sup> was with me on Sunday, and gave his sentiments very decidedly against the measure of Union.”

The celebrated meeting of the Irish Bar was held in the Exhibition Room in William Street, Dublin, on December 9th, 1798, under the presidency of Mr. Smith, the “Father” of the Irish Bar, as the senior is styled. Among the King's Counsel who signed the requisition for calling the meeting were—E. Mayne, W. Saurin, W. C. Plunket, C. Bushe, W. Sankey, B. Burston, J. Barrington, A. Macartney, G. O’Ferrall, J. O’Driscoll, J. Lloyd, P. Burrowes, R. Jebb, and H. Joy.

The account of the meeting given by Sir Jonah Barrington was not very complimentary to Mr. Saurin. He says, “Mr. Saurin was the first speaker. His speech was vapid, and his resolution pointless; but he had great influence with the profession. He was an excellent lawyer, and an amiable, pious Christian. He was followed by Captain Spencer.” The supporters of the Union were evidently no favourites with Sir Jonah Barrington. Mr. St. George Daly, a briefless barrister, was the first supporter of the Union. Of all

<sup>1</sup> Chief Justice of the Court of Common Pleas, Ireland.

men he was the first thought of for preferment ; but it was wittily observed, " that the Union was the first brief Mr. Daly ever had to speak from." He moved the adjournment of the meeting. Mr. Grady—a *protégé* of Lord Clare—according to Sir Jonah, made a most extraordinary speech. He said, " The Irish are only the rump of our aristocracy. Shall I visit posterity with war, pestilence, and famine? No! no. Give me a Union! Unite me to that country where all is peace, and order, and prosperity. Without a Union we shall have embryo Chief Judges, Attorney-Generals in perspective, and *animalculæ sergeants*. All the cities of the south and west are on the Atlantic Ocean, between the rest of the world and Great Britain, they are all for it. They must become warehouses, the people are Catholics, and they are all for it."<sup>2</sup>

One of the most powerful speakers at the Bar meeting in the opposition was Mr. Thomas Goold, a very talented member of the Bar. The following peroration may be taken as a sample of his impressive oratory:—

" There are forty thousand British troops in Ireland, and with forty thousand bayonets at my breast, the minister shall not plant another Sicily in the bosom of the Atlantic. I want not the assurance of divine inspiration to foretell, for I am enabled by the visible and unerring demonstration of nature to assert, that Ireland was destined to be a free and independent nation. Our patent to be a State, not a shire, comes

<sup>2</sup> Mr. Thomas Grady wrote the ferocious satire referred to hereafter, called the *Nosegay*, for which the Limerick banker, Mr. Bruce, brought an action, laying damages at thirty thousand pounds.

direct from Heaven. The Almighty has, in majestic characters, signed the Great Charter of our independence. The Great Creator of the world has given our beloved country the gigantic outlines of a kingdom. The God of nature never intended that Ireland should be a province, and by G—— she never shall.”

Such language was calculated to stir men’s passions; a perfect hurricane of applause rewarded the eloquent speaker; and, on the division of the meeting, the votes recorded were as follows :—

Irish barristers opposed to the Union . . .	166
In favour of the Union . . . . .	32
	<hr/>
	Majority 134
	<hr/>

This was one of the last decisive efforts against the Union, but it was unavailing.

## CHAPTER XIII.

## DUBLIN BEFORE THE UNION.

From an unpublished Diary in 1799.—Dublin visited in 1799.—Extracts from “Reminiscences for my Children,” by Mrs. Howard, of Corby Castle.—The Irish House of Commons.—Lord Cornwallis anxious for the Legislative Union.—A family party at Lady Roden’s.—Who betrayed Lord Edward Fitzgerald?—Visit of Lady Louisa Connolly to the Insurgent Leader.—Second Visit to the House of Commons.—Society in Dublin.—Dinner-hour and table arrangements.—An English lady’s opinion on the Union.—Dinner party at an Anti-Unionist’s.—Character of the Viceroy, Lord Cornwallis.—Anecdote respecting his eye.

BEFORE continuing my anecdotes of the Bench and Bar of Ireland, it may be well to give my readers some notion of the state of society in Dublin before the Union. This I can do from a perfectly reliable source—that of an English lady of high rank, who, with her husband, Henry Howard, Esq., of Corby Castle, in Cumberland, visited Ireland in the spring of 1799. They came hither with the West York Militia, in which corps Captain Howard commanded a company, and was a personal friend of Lord Cornwallis, then Viceroy. I quote from an unpublished journal kept by Mrs. Howard:<sup>1</sup>—

<sup>1</sup> “Reminiscences for my Children.” Printed for private circulation among the family of the talented author, and presented by her accomplished son, the present P. H. Howard, Esq., of Corby Castle, to my mother-in-law.

“*Dublin, April 16h, 1799.*—I was not disappointed with the appearance this fine city presented, which is beautifully placed by the sea, with the hill of Howth rising like Mount Vesuvius, without its smoke.

“Our first visit was to the House of Commons, which is a circular building, embellished with a number of pillars. In the centre hangs a large brass candelabra, which ignites all at once by tow communicating with the flame. Lord Castlereagh was presenting a petition of supply for those who assisted in quelling the rebellion. The Dowager Lady Roden, and my attached friend, Lady Louisa Jocelyn, whom I had known in England, found us out, as did also the Bishop of Elphin and Mrs. Law, who warmly received us as friends from the same county. Captain Howard dined with Lord Cornwallis, who received him cordially as an old friend. He expressed himself most anxious for the success of the Union, as the only means of saving this country and amalgamating all classes of people.

“The next day we joined a family *réunion* at the Dowager Lady Roden’s, consisting of the Ladies Charlotte, Caroline, Louisa, and Emily Stratton, her daughters. Her sons, Mr. and Mrs. John Jocelyn, Mr. Percy Jocelyn, Lord and Lady Roden, with Colonel and Mrs. Howard, of Bushy Park, came in the evening. We were received with the greatest kindness by this united family, and spent a most pleasant day. They were all going to a ball at Lady Castlereagh’s, at the Castle, to which we found an invitation on our return home.

“The Dowager Lady Roden told us that Mr. George Stewart, the principal army surgeon here, attended

Lord Edward Fitzgerald whilst in prison and until his death. He came into Dublin disguised as a carter and driving a car. On entering the house he was to lodge at, his man called him 'my lord,' which was overheard by a yeoman's wife, who informed her husband of the circumstance. His place of abode was thus providentially discovered not two hours before the time of attack intended to be made from without, and which was to be answered by a corresponding rising at Dublin.<sup>2</sup> After the alarm had sounded, Lord Charles Fitzroy heard a sound of pike-heads thrown out of a garret window at the back of a house adjoining a churchyard, where he found a person delivering them to the multitude. Lord Roden and his brothers were dining with the dowager in St. Stephen's Green, when they heard the drums beat to arms, and soon after the bugles sounded, upon which every gentleman joined some standard and repaired to guard the passes, some of which were attacked within two hours. Lord Roden received a shot through his hat in a sally he made somewhere out of town. Lady Louisa Connolly requested to see her nephew, Lord Edward Fitzgerald, whom she tenderly loved; *Mr. Corry went with her.*<sup>3</sup>

<sup>2</sup> This statement may throw some light on the question, "Who betrayed Lord Edward Fitzgerald?" which the researches of my able and zealous friends, Dr. R. R. Madden, and W. J. Fitzpatrick, J.P., have not been able to answer with certainty.

<sup>3</sup> This is a mistake. It was the Lord Chancellor, the Earl of Clare, who accompanied Lady Louisa on this sad occasion. So few kind actions are related of this nobleman, I may be permitted to give the account of his kindness:—"Lady Louisa went in vain from the Viceroy, Lord Camden, to the Secretary, Lord Castlereagh. Both were inexorable; so, as a last resource,



But he was nearly delirious; he just knew her, and pressed her hand whilst she prayed by his bed-side.

“*April 20th.*—I availed myself again of the privilege allowed to ladies here, and went to the House of Commons. General Cradock conveyed us to the Speaker’s seat, which occupied three parts of the gallery, and is generally filled with ladies upon any important question, when Lady Castlereagh always attends and sits out the whole of the debate. We had no sooner left our letters of introduction, given us by Lord Hobart, than we were visited by all the very agreeable society at Dublin; and those to whom we had not letters, after meeting us at other houses, were kind enough to adopt us as acquaintances, and it was a very pleasant surprise, after the melancholy prospect held out to us of the state of this country, to find that the only engagements we had to encounter were most pleasant dinner engagements.

“*April 21st.*—We dined with General and Lady Theodosia Cradock. In the General Captain H. found she called, late in the evening, at the Chancellor’s town mansion in Ely Place, and asked to see his lordship. The servant informed her ladyship the Chancellor had a large dinner party; but, moved by her tears, so pressed the urgency of her entreaty for an interview that the Chancellor received her, and was much moved by the intensity of her grief. She entreated him to grant her an order to see Lord Edward. ‘Lady Louisa,’ he replied, ‘to grant the order you solicit is quite out of the question. We have so decided in Council. But you are a female and a near relative; I know of no decision which prohibits *my accompanying you.*’ He drove with her to Newgate, where he waited for three hours while aunt and nephew were together for the last time on earth” (*O’Flanagan’s Lives of the Lord Chancellors of Ireland* vol. ii. p. 233).

an early friend, as they had met when young at Dijon; he had lately married the handsome Lady Theodosia Meade, daughter to Lord Clanwilliam. We there met the Lord Chancellor,<sup>4</sup> who took the head of the table, and was very cheerful; Lady Clare, Lady Glentworth, Lord Hardwicke, Lord Scarborough, and Lord Powerscourt, who told me that a plot had been discovered last year by the soldiers, of the rebels having intended to take possession of his house at Powerscourt, and to have murdered his Lieutenant-Colonel, since which time it had nearly been converted into a barrack. He added, that the Catholic priest of his parish was a great Anti-Republican, being one of those whom the French had pushed off in a boat, by way of getting rid of him, and that he had got safely to Cannes.

*“April 22nd.*—We dined with Sir George and Lady Shee at the Ordnance Office, and met Lady Carleton, wife to Lord Carleton;<sup>5</sup> the Attorney-General;<sup>6</sup> the Bishop of Killala, who was taken prisoner by the French,<sup>7</sup> and Mr. Daly,<sup>8</sup> the Prime Sergeant, who held forth such illiberal sentiments towards the Catholics,

<sup>4</sup> Earl of Clare.

<sup>5</sup> Chief Justice of the Common Pleas.

<sup>6</sup> John Toler, afterwards Lord Norbury.

<sup>7</sup> Right Rev. Dr. Stock. He was Bishop of Killala when the French Expedition, under General Humbert, landed at Kallala in 1798. They treated the Bishop and his family with great respect.

<sup>8</sup> St. George Daly supported the Union at the Bar Meeting, and was rewarded by the Government for doing so. He probably was not aware that Captain Howard was of the ancient Catholic family of the Duke of Norfolk.

as I did not imagine could exist in any man's breast. Out of consideration to our good humoured entertainer no reply was made, except a few words from the Bishop of Killala, which only proved that he thought very differently.

"The usual dinner hour here is six o'clock, but it is often nearer seven. The prevalent custom is for a gentleman to sit at the head of a table, and carve for the lady of the house, who takes her seat by him—a much better custom than having all the dishes to pull on one side. Supper is usually announced at twelve, and few assemblies break up sooner than two or three in the morning.

"At present there are but two subjects of discussion here—the past Rebellion and the projected union of this country with England. As the English Militia are sent to keep the country quiet, and repel invasion, it would be wrong for us to take any part in politics; but we cannot be deaf to what passes, or indifferent to those interesting subjects."

The opinion of an intelligent English lady upon the contemplated Union is well worth quoting:—

"I feel convinced that, were I born in Ireland, I should decidedly be against the Union—it seems giving up so much independence; but those who know better than I do, think that Ireland would be a far happier country if it was impartially governed by a United Parliament, than it is now with the reins in its own hands, as they have laws which do not appear either to be respected or obeyed. Many acts of unjust power have been exercised, both before and during the Rebellion, by the Orange Party, and as many ungrateful

and atrocious acts by the opposed party. Oppression and poverty, in the long-run, have rendered them savage, and it will require some years of kind treatment, and some education, to bring them round; but I hope, that in becoming more civilized, they will not lose their natural warmheartedness and instinctive wit, which seem to burst forth spontaneously when least expected." This is a pretty strong indication of the opinion of one who, up to this time, had mixed exclusively with the Castle set, all supporters of the contemplated Union, as she herself relates.

"*April 27th.*—We dined with Mr. and Mrs. Digges La Touche, as did Mrs. Robert and John La Touche, Lord and Lady Mathew, Lord Roden, and Colonel and Mrs. Howard. We have hitherto met only those who are zealous for the Union, but this family are decidedly against it; and we heard many arguments well supported, particularly by Mrs. La Touche, who defended her cause famously. The ladies here enter quite as warmly into politics as the gentlemen, and nothing else is talked of, which is very pleasant, as one thus hears so many interesting events; yet there exists so much animosity between parties, owing to the long disturbed state of the country, that it is difficult to meet with unprejudiced statements of facts."

The opinion entertained in Dublin of the Viceroy, Lord Cornwallis, is thus given: "Lord Cornwallis is considered too lenient by the violent party respecting the measures he has taken to surpress the rebellion, and those who before have been consulted by the Government on every occasion are not less severe on him. He expresses great anxiety for the success of

the Union as the only means of saving this country and making it prosper. We have heard it said of him, that if Lord Cornwallis was less of an honest man and more of a politician, he might have carried it easily ; but by endeavouring to put a stop to jobbing, and such like practices, he has lost nineteen votes in three different families, and similarly in others. It is, I believe, his wish to introduce a mild government ; which would be a happy change from the flogging and torture hitherto so generally resorted to."

With these humane words, I must take leave of this excellent work, which I have referred to, as showing the state of society in Dublin at the period of the Union, and how an unbiased person regarded that measure.

The following anecdote was told me respecting Lord Cornwallis. Owing to some affection of one of his eyes, it constantly rolled about in the socket, and caused him much inconvenience. An unhappy expression in one of the addresses of congratulation on his arrival in Ireland, was, therefore, *mal apropos*, though, of course, quite unintentional, for he was a perfect stranger : "We are sure your excellency, during your administration, will always keep a *steady eye* on our industrial advancement."

## CHAPTER XIV.

## PLUNKET AND BUSHE.

Both sons of clergymen.—Plunket's father, the Rev. Thomas Plunket, Presbyterian Minister of Enniskillen.—William Conyngham Plunket, born in 1764.—Anecdotes of his boyhood.—Enters Trinity College in 1779.—The College Historical Society: Chairman's taunting speech.—Distinguished members.—Called to the Bar in 1787.—Contrast between the barristers of England and Ireland.—Selects the north-west circuit.—Anecdotes.—Doldrum defined.—Defends a horse-stealer.—His powers of speaking.—Considered a safer opponent against Lord Castlereagh than Grattan.—Enters Parliament in 1798.—State of Irish politics.—Contributes to the *Anti-Unionist*.—Letter from Sheelagh.—Anti-Union poetry.—Attacks Lord Castlereagh and the Irish Government.—The Viceroy's efforts to carry the Union.

## CHARLES KENDAL BUSHE.

His father a clergyman of the Established Church.—Charles born in 1767.—Sent to school at Ballytore.—Enters Trinity College in 1782.—Society in Dublin.—Character of Bushe.—His powers of oratory described by Lord Brougham.—Compliment to him by John Kemble.—Anecdote of private theatricals.—Called to the Bar in 1790.—Marries.—Great legal abilities.—Careful study.—Difficulty in mastering old reports.—Enters House of Commons in 1797.—Government offers him place; declines.—Shiel's tribute to Bushe's honesty.—Bushe wrote as well as spoke against the Union.—"Cease your funning."—Plunket and Bushe contrasted.—Poetic description of Bushe's oratory.—Saurin, Attorney-General, and Bushe, Solicitor-General, meet George IV. at

Slane Castle.—Bushe's narrative of the visit.—*Bon mots* of Bushe and Plunket.

AMONGST those leaders of the Irish Bar, who were members of the Irish House of Commons, and by their talents and legal acquirements gained high rank at the Bar, and afterwards seats on the Bench, were Plunket as first Lord Chief Justice of the Common Pleas, and afterwards Lord Chancellor of Ireland; and Bushe, Lord Chief Justice of the Queen's Bench.

Both were sons of clergymen. The Rev. Thomas Plunket, father of the honourable member for Charlemont, was Presbyterian minister of Enniskillen, where William Conyngham Plunket was born on the 1st of July, 1764. A friend of mine told me two anecdotes of of young Plunket, which are indications of no common character.

While yet very young Master Willie was taken for a walk to Castlecool, the beautiful demesne of the Earl of Belmore, close to Enniskillen. The child grew tired; so his aunt, Miss Conyngham, took him in her arms in order to bear him home. Long before they reached Enniskillen, and when the lady was tired of her load, they met a gentleman, with whom the lady was acquainted, who politely begged to be allowed to carry the tired child.

Miss Conyngham joyfully transferred her nephew to the friendly arms extended to receive him, and when they reached the dwelling of the Rev. Thomas Plunket, and Master Willie was placed on the paternal door-step, his aunt bade him "thank the kind gentleman."

"Thank him for what?" inquired the juvenile.

"For his trouble in carrying you home."

"Not I," argued the youth. "'Tis for you to do that." Pointing to a coal-porter with a bag of coals, "Suppose the gentleman carried home the coals, who should thank him but the porter he relieved of the bag."

There was no denying the force of this reasoning. The other anecdote, which speaks well for young Plunket's disposition, was thus communicated by my friend, the late Master O'Dwyer. Plunket's first school was kept by a peace-loving master, who determined to prevent boxing between the boys. In order to encourage emulation, there were certain good marks which entitled the most deserving pupil to a certificate which exempted the holder from punishment for any offence whatever. Plunket's diligence and ability gained him this much-prized certificate. While holding it, he had a quarrel with a class-fellow, and, despite the prohibition, they fought. Black eyes, and swollen lips, and flattened noses told their sad tale, and the decree went forth. Both delinquents were to be whipped. Plunket took his punishment without flinching; and when his opponent's turn came, when the lash was to be applied, Plunket handed his late foe the certificate which exempted the holder from all punishment. "Take this," he said; "I kept it to save you, and now the master can't touch you."

"You are a brave, generous boy, Willie," was the expressed opinion of students and master; and the master added, in a spirit of prophecy, "I plainly see



you will do us credit, if you only keep your temper and mind your lessons."

Well and fully did the Lord High Chancellor redeem this prediction. In 1779 he entered Trinity College, Dublin, and obtained a scholarship. In 1782 he joined the famous Dublin College Historical Society, which had been founded in May, 1770. Barry Yelverton, Grattan, and Curran were among the early founders of this Society, which has had a vigorous existence, having reached over a century. Like most societies, its infancy was weak. The following speech from the Chairman (Mr. Ball), in 1774, may be taken as a fair sample of how its meetings were conducted.

"One gentleman arises, and opens the debate by modestly informing the Society 'he has nothing to say, for, indeed, he has not studied the question.' Another, on the opposite side, with equal modesty, assures us, 'that the arguments of his learned and respectable friend who opened the debate carry with them such weight and authority it would be presumption in him to attempt to answer.' Well may Cambridge, well may Oxford boast, and call us their *silent sister*. Shamefully indolent as we are, the reproaches of these might rouse us. Shall they produce wits, and poets, and orators, while the only seminary in Europe for the education of gentlemen is barren of these fruits? Forbid it patriotism, that the soil which reared a Burke, the soil which produced a Hussey Burgh, should cease on a sudden that fertility from which fame had fondly promised herself to gather for futurity the richest present she ever made it."

The taunt thus bravely launched against the indo-

lent members of the College Historical Society had due effect. Soon a corps of orators were trained whose voices echo through the corridors of time. Thomas Addis, Temple, and Robert Emmet, Theobald Wolfe Tone, Charles Kendal Bushe, Miller, Magee, Peter Burrowes, Plunket, attest the fame of the old days, while the names of Napier, Whiteside, Keogh, Fitzgerald, Harrison, Chatterton, Butt, Heron, Morris, Gibson, and scores of others eminent on the Bench, at the Bar, and in the Pulpit, sustain the modern prestige of the College Historical Society. Having taken his degree in college, Mr. Plunket studied for the Bar, and was called in Hilary Term, 1787. He remarked a very singular contrast between the staid and formal society of the English Inns of Courts and their practitioners, and the less technical and more social habits of the Irish Bar. Nearly all the leaders, when Plunket was called, were Monks of the Screw—not mere honorary, but *active* members of that spiritual fraternity.

Plunket selected the north-west circuit as the scene of his professional excursions, and some anecdotes of his mode of dealing with his cases yet linger. A witness who, though very ready to reply to the questions on the direct examination, was by no means so when cross-examined, was taunted by Plunket with this. The excuse made by the witness was, "The counsellor's questions put him in a *doldrum*." The Judge, Chief Baron Lord Avonmore, repeated the word, "A *doldrum*! What is that?" "I can tell your lordship," said Plunket; "a *doldrum* is a *confusion of the head* arising from a *corruption of the heart*." Having obtained the triumphant acquittal of a horse-stealer,

another of the band said, "I tell ye what, boys; if I'm paraded before judge and jury for the next horse I steal, by jabers I'll have Plunket." But the horse-stealer's tribute was echoed by more honourable men. The Opposition, aware of his eloquence and power of argument, deemed him a safer man to grapple with Lord Castlereagh than even Grattan. While the latter was fiery, rapid, and impulsive, the former was cool, wary, and argumentative. As the selected champion of the Opposition against the Minister, Plunket entered the House of Commons, member for Charlemont. He took his seat on February 6th, 1798. There was much in the state of the Irish House of Commons at that time to daunt and frighten a timid man. He beheld the Ministry strong in the venal support of a majority dependent upon the Treasury for the means of living, and paid to carry the bill for the Union. Parliamentary Reform and the Emancipation of Roman Catholics were measures either abandoned or placed in abeyance. The hitherto chosen leaders of the Opposition, unable to stem the tide overflowing all their landmarks, had abandoned the field. There remained not above thirty to contend against thrice that number; but among those thirty Plunket found able allies, George Ponsonby, Charles Kendal Bushe, Knox, and Parsons. Not merely by his voice did Plunket resist the Union. In conjunction with Bushe, Grattan, Smily, Goold, and Wallace, he contributed to a weekly periodical called *Anti-Union*. Grave argument and droll illustrations, keen sarcasm and stern prophesy, issued in prose and verse, every week. The following extract, from the number pub-

lished on January 1, 1799, may serve as a specimen of Plunket's irony:—Sheelagh (Ireland), is sued in marriage (union) by John Bull (England), who had already been married to another (Scotland). Sheelagh thus details the inducements held out to her, and her dislike to the match. "But conceive, I beg of you, the ridiculousness of the overtures. I to marry Mr. Bull! Mr. Bull, whom, in the year 1783, when he was tolerably vigorous, and reasonably wealthy, and well reported, I would have rejected with contempt! Mr. Bull, now that he has repeated fits of the falling sickness, and that a commission of bankruptcy is ready to issue against him.

"I could not have believed the proposal serious if the old gentleman himself had not gravely avowed it. Hear, I beg of you, the inducements which he holds out to me. There is to be no cohabitation, for we are still to continue to live on different sides of the water; no reduction of expense, for our separate establishments are still to be kept up, all my servants are to be paid by me, but to take their orders from him, the entire profits of my trade to be subject to his management, and applied in the discharge of his debts; my family estate to be assigned to him, without any settlement being made on me or my issue, or any provision for the event of a separation. He tells me at the same time that I am to reap great advantages, the particulars of which he does not think proper to disclose, and that in the mean time I must agree to the match, and that a settlement will be hereafter drawn up agreeable to his directions, and by his lawyers. This, you will say, is rather an extraordinary *carte blanche* from an in-

solvent gentleman, passed his grand climacteric, to a handsome young woman of good character and easy circumstances. But this is not all, the pride of the negotiation equals its dishonesty, for, though I am beset and assailed in private, and threatened with actual force if I do not consent to this unnatural alliance; yet, in order to save the feelings of the Bull family, and to afford grounds for an inadequate settlement, I am desired, in despite of all maiden precedent, to make the first public advances, and to supplicate, as a boon, that he will gratify my amorous desires, and condescend to receive me and my appurtenances under his protection. Still, one of the principal features of the odious transaction remains to be detailed. Would you believe it, that this old sinner, several years ago, married a lady, who, though of harsh visage, and slender fortune, was of honourable parentage and good character, and who is, at this hour alone, and treated by him with every mark of contumely,<sup>1</sup> and it is worthy of observation that many of the clauses in the articles, which were very carefully drawn up previous to his marriage with this lady, have been scandalously violated by him. The truth is, I am determined to live and die a maiden, and I now apply to you merely for advice as to what is the most effectual method of protecting myself in that resolution. If the Bulls will not suffer me to live on friendly terms with them, and will still persist in their dishonest practices in my family, I will turn out their adherents (whom I well know), and, in all events, I will restore my shop-boy to his original

<sup>1</sup> The Queen has changed all this.

rags, and send him to the place whence he came. I will re-establish harmony amongst all those who should naturally be my friends, and if the Bulls attempt to offer me any insolence, I trust I shall be able to repel force by force,

“I am, sir, your affectionate,

“But determined, humble Servant,

“SHEELAGH.”

Not merely in prose was the war against the Union carried on. The poet strung his rhymes, and the satirist lashed the measure thus:—

“How justly alarm’d is each Dublin cit,  
That’ll soon be transform’d to a clown, sir,  
By the magical touch of that conjurer, Pitt,  
All the country is coming to town, sir.  
Give Pitt, and Dundas, and Jenkins a glass,  
They will ride on John Bull, and make Paddy an ass.  
Through Chapel Street you may rurally range,  
You will scarcely ‘cognize it the same, sir;  
Fine turnips will grow at the Royal Exchange,  
And choice cabbages all along Dame Street;  
Wild Oats, in your College, will want to be till’d;  
Fine hemp in the Four Courts shall thrive, sir;  
While mutton your markets will fill as of old;  
By St. Patrick! they’ll graze there alive, sir.  
Says an Alderman, ‘Corn will grow in your shops;  
This Union will work our enslavement.’  
‘That’s true,’ says the Sheriff, ‘for plenty of crops,<sup>2</sup>  
Already I’ve seen on the pavement.’  
Ye brave loyal yeomen, dressed gaily in red,  
This minister’s plan must elate us,  
And well may John Bull, when he robbed us of bread,  
Call poor Ireland the land of potatoes.”

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<sup>2</sup> Rebels were called croppies, having their hair cut short.

Plunket was not very long in the House of Commons before he justified the opinion that he was fully able to encounter Lord Castlereagh. That minister having addressed the House on the question of the Union, in January, 1799, Mr. Plunket attacked him in these words: "The example of the Prime Minister of England, inimitable in its vices, may deceive the noble lord. The minister of England has his faults; he abandoned, in his later years, the principles of reform, by professing which he obtained the early confidence of the people of England; and in the whole of his political conduct he has shown himself haughty and intractable, but it must be admitted, that he has shown himself by nature endowed with a towering and transcendent intellect, and that the vastness of his moral resources keeps pace with the magnificence and unboundedness of his projects. I thank God it is much more easy for him to transfer his apostasy and his insolence than his comprehension and sagacity; and I feel the safety of my country in the wretched feebleness of her enemy. I cannot fear that the Constitution, which has been formed in the wisdom of ages, and cemented by the blood of patriots and of heroes, is to be smitten to its centre by such a *green and sapless twig* as this. Sir, I confess I did, at one time, rejoice in the appointment of the noble lord to the administration of this country. When I perceived that wicked and dangerous measures were in agitation, I rejoiced that an *impotent* and *incapable* instrument was selected for their execution.<sup>3</sup> Sir,

<sup>3</sup> These allusions are believed to have been hits at the fact that Lord Castlereagh had no children. It was said, when

I thank the administration for this measure; they, without intending it, are putting an end to our dissensions. Through the black cloud which they have collected over us, I see the light breaking in upon this unfortunate country. I tell them they will see every honourable and independent man in Ireland rally round the Constitution, and merge every consideration in opposition to this ungenerous and odious measure. For my part, I will resist it to the last gasp of my existence, and with the last drop of my blood; and when I feel the hour of my dissolution approaching I will, like the father of Hannibal, take my children to the altar and swear them to eternal hostility against the invader of their country's freedom. Sir, I shall not detain you by pursuing this question through the topics which it so abundantly offers. I should be proud to think my name should be handed down to posterity in the same roll with those disinterested patriots who have so successfully resisted the enemies of their country—successfully I trust it will be. At all events, I have my exceeding great reward. I shall bear in my heart the consciousness of having done my duty, and in the hour of death I shall not be haunted by the reflection of having basely sold or meanly abandoned the liberties of my native land. Can any man who gives his vote this night on the other side lay his hand upon his heart and make the same declaration? I hope so: it will be well for his own peace.

Teeling's mother was refused pardon for her son, accused of treason in 1798, she cried to Lord Castlereagh, "You cannot comprehend my feelings; I remember, my Lord, you have no child."



The indignation and abhorrence of his countrymen will not accompany him through life, and the curse of his children will not follow him to the grave. I in the most express terms deny the competency of Parliament to do this act. I warn you, do not dare lay your hands on the Constitution. I tell you that if, circumstanced as you are, you pass this Act, it will be a nullity, and that no man in Ireland will be bound to obey it."

On the division, the Government had the narrow majority of *one*.

But the pen of the patriot and the tongue of the orator were equally powerless to save the Irish Parliament. On January 15th, 1800, the Viceroy, Marquis Cornwallis, delivered the opening speech from the throne, in which no allusion was made to the impending Union. But the discussion was quickly raised by Sir Laurence Parsons, and in most withering tones Plunket denounced the means taken by the Government (the progress of the Viceroy from town to town) in order to get the semblance of popular support for the measure. "It is painful," he said, "to dwell upon that disgraceful expedition. No place too obscure to be visited; no rank too low to be courted; no threat too vile to be refrained from; the counties not sought to be legally convened by the sheriffs; no attempt to collect the unbiassed suffrages of the independent and intelligent part of the community; public addresses sought for from petty villages, and private signatures smuggled from public counties, and how procured? By the influence of absentee landlords, not over the affections, but over the terrors of their tenantry, by grasping agents, and revenue officers." It was during this debate

that the House witnessed a very affecting scene. The debate had been kept up with unflagging interest during the lengthening night, and the grey dawn was breaking, when, pale and ghastly with recent illness (from which, indeed, he had not quite recovered), Henry Grattan entered the House. Loud cheers from his friends welcomed him; and when he sought to speak, the Speaker (Right Hon. John Foster) gave permission for Mr. Grattan to address the House sitting.

Side by side with Grattan and Plunket in resisting the Union was the honourable member for Callan,

CHARLES KENDAL BUSHE. He was connected with Grattan by marriage, Mr. Gervase Parker Bushe, M.P., having married Grattan's sister.

The Rev. Thomas Bushe, father of Charles, was a clergyman of the Established Church, who resided at Kilmurry, county Kilkenny, and married Miss Doyle, sister of Major-General Doyle, colonel of the gallant 87th Regiment. Charles was born in 1767, and received an excellent education. His first school was the celebrated one of Ballytore, conducted by Mr. Sheckleton. Thence he went to Mr. Craig's seminary in Dublin. He entered Trinity College, Dublin, in 1782, when but fifteen years of age, and soon a scholarship, with eight best marks and several premiums, attested his industry and ability. He was almost equally distinguished in science and classics.

A very competent authority<sup>4</sup> has borne testimony to the society in which Bushe moved. "For the last thirty years of the eighteenth century there was not a

<sup>4</sup> The late Ven. Archdeacon O'Shea, of Cork.

more brilliant, gay, or witty school in Europe than the University of Dublin. It could not, it is true, boast many men of great scientific acquirements or extraordinary philosophical proficiency, but it had the higher honour of claiming for its children some of the wisest statesmen, the greatest orators, and the truest patriots in the world at that time. It constantly possessed a crowd of gifted spirits vieing in its halls in the energy of glorious youth, and leaving them only to make the press and the Court, the Senate and the island illustrious by the rivalry of their mature years."

Among those who shared all the intellectual conflicts, and the social amusements of the period, none entered with keener zest than Charles Kendal Bushe. Like Lord Mansfield on reaching London, young Bushe drank Champagne with the wits. Early introduced into the best society, he thoroughly enjoyed it. Tall in stature, graceful in person, accomplished and insinuating, he was a general favourite, and a star of the first magnitude in ball-rooms or at dinner-tables. Even while yet young the sprightliness of his wit and the charm of his conversation, made him sought at the social *réunions* which then kept up the fame of the Irish capital. Lord Brougham has described with great accuracy the wonderful lucidity of statement employed by Bushe. His power of narration has not, perhaps, been equalled. Perfect simplicity but united with eloquence, a lucid arrangement and unbroken connexion of all the facts, a constant introduction of the most picturesque expressions, but never as ornaments—these, the great qualities of narration, accomplish its great end and purpose; they place the story,

or the scene, before the hearer or the reader, as if he witnessed the reality. It is unnecessary to add that the temperate and chaste, and even subdued tone of the whole is unvaried and unbroken; but such praise belongs to every part of this great speaker's oratory. The utmost that partial criticism could do to find a fault, was to praise the suavity of the orator at the expense of his force. John Kemble described him as "the greatest actor off the stage."

This reference to the stage reminds me of the happy way in which Bushe got out of a delicate inquiry. His native county of Kilkenny was celebrated for its private theatricals, and Bushe was a favourite actor and critical spectator. While remaining on a visit at a house in which a dramatic representation had taken place, the performers solicited Bushe to declare "who," in his judgment, "had acted best."

"My friends," he replied, "you know comparisons are odious."

"Oh, no offence will be taken," was the encouraging response.

"Well, that is assuring," said Bushe, "and if I say who acted his or her part best, do you all promise not to be offended?"

"We do indeed," was the universal cry.

"Then, ladies and gentlemen," gravely declared Bushe, "I give as my unbiased opinion—the greatest praise is due to the PROMPTER, for during the performance *I heard the most and saw the least of him.*"

Much laughter rewarded this very impartial judgment.

Bushe was called to the Irish Bar in 1790. He

quickly obtained practice, and soon commenced, with commendable probity, to apply his gains to paying the debts left by his father.<sup>5</sup> Despite his slender means, Bush married Miss Crampton, a lady to whom he was devotedly attached.

Bushe was soon placed in the front rank of Irish advocates. He could state clearly, reason calmly, argue logically; and, on the other hand, when transported by the vehemence of his feelings, and roused by his subject into splendid imagery, soar above all the speakers of his time. But his flights of eloquence never caused him to forget his duties as an advocate. It was remarked of him that his fancy, like Grattan's, was sometimes on the stretch; but never, like Curran's, on the rack. His manner at the outset of his speeches, was somewhat awkward, but as he proceeded his thoughts and words assumed a lucid and orderly disposition. This increased as he warmed with his subject, and indulged in glowing description or vehement denunciation, but he never allowed his feelings to overpower his reason. Bushe was considered the orator of manner—eye, hand, every gesture, aided the voice and spoke. He was said to resemble the Roman advocate Hortensius in his attention to dress and deportment; and though Bushe never brought a lawsuit for disarranging the plaits of his bar-gown, he was not far behind Hortensius in studying the most graceful action and the most striking attitudes. In addition to his fine person and winning countenance, there was the great charm of a full, clear, and well

<sup>5</sup> I believe this praiseworthy act has also been performed by another distinguished member of the Irish Bench.

modulated voice. This was carefully attuned to the subject—now soft and low, when expressing some pathetic passage, now loud and resonant when denouncing wrong or asserting right. He studied his profession, but thus complains of the difficulty he experienced of mastering the sense of the old law writers:—

“I was working for two hours before I could discover the meaning of a judgment of Lord Coke, reported in *Bulstrode*. I would rather have sat down to so much Greek. The moment I discovered the meaning, I could have condensed the whole into a dozen lines. The great object of the early law writers seems to have been to make their works as incomprehensible as possible. Sir William Blackstone was the first great reformer in this respect; he simplified the study of law, as Bacon did that of natural philosophy.”

In 1797 Bushe entered the Irish House of Commons. He represented the borough of Callan, in the county of Kilkenny, and soon was one of the most formidable members of the Opposition. The minister was not long in laying the bait of patronage before the eyes of the young barrister, and, when the Union was impending, Bushe was visited, at his house in Baggot Street, Dublin, by two officials from the Castle. They expressed the high sense the Viceroy, Lord Cornwallis, entertained of his ability, and stated that the office of Master of the Rolls, or one of the law offices of the Crown awaited his acceptance.

“The mind of Mr. Bushe,” says Sheil, “was of too noble a caste to lend itself to purposes so uncongenial to a free and lofty spirit; and he preferred the

freedom of his country and the retributive consciousness of the approbation of his own heart to the ignominious distinctions with which the Administration would have been glad to reward the dereliction of what he owed to Ireland and to himself. Accordingly, we find that Mr. Bushe threw all the energy of his youth into opposition to a measure which he considered fatal to that greatness which Nature appeared to have intended that his country should attain; and to the last he stood among the band of patriots, who offered a generous but unavailing resistance to the legislative union with Great Britain."

Bushe, as well as Plunket, wrote against the Union. Bushe's pamphlet styled "*Cease your Funning*" reminded Lord Brougham of the satires of Swift. The respective merits of Plunket and Bushe were often compared, but a judicious friend of mine well said "the points of difference were much more numerous than those of resemblance." The severe and rigid intellectual structure of Plunket was far removed from the Attic elegance of Bushe. As a speaker the former was remarkable for the clearness and closeness of his reasoning—the unadorned simplicity of his style and manner—earnest, calm, and deliberate. Plunket never soared into regions too elevated for ordinary comprehension, or sank into dulness. He showed seldom, either richness of imagery, or flowers of fancy; but his speeches were solid, massive, and effective—clear in statement and perfect in argument. Bushe, on the other hand was full of imagery, copious, and captivating. His voice, carefully modulated to his graceful delivery, won the heart, while it captivated the ear. He charmed the

mind of the auditor. Bushe appealed most to the passions, Plunket to the reasoning faculties.

A poem, published anonymously in Dublin, about the year 1800, and called the Metropolis, thus accurately described Bushe's appearance and oratorical power :—

“Sedate at first, at length his passion warms,  
And every word and every gesture charms;  
Sunk to no meanness, by no flourish swell'd,  
The copious stream its course majestic held.  
The Graces to his polish'd wit gave birth,  
Which makes the smile, but not the roar of mirth.  
His legal tenets stand on stable ground,  
His moral precepts novel and profound.  
Well has he traced the laws' unbounded chart,  
Well search'd each corner of the human heart,  
In triumph his resistless march proceeds—  
Reason and passion follow where he leads.  
Is justice his inalienable trust?  
Or does he deem each cause he battles just?  
Suffice it—every energy or zeal  
Make that conviction he makes others feel.”

Bushe was speedily selected for promotion when the passing of the Act of Union made him no longer an opponent to the Government. When Mr. Saurin became Attorney-General, Bushe continued as Solicitor-General, and both were guests of the Marquis Conyngham, at Slane Castle in 1821, when the then monarch, George IV., was a guest at that noble seat.

Bushe thus relates what occurred at this visit :<sup>6</sup>—

“Saurin and I went down together, and arrived barely in time to dress for dinner. I had never been

<sup>6</sup> Legal and Political Sketches.



seen by the King but once, at the levee. On going downstairs I met him coming up; the rencontre was most embarrassing, for I imagined that he would not recognize me, but I was at once relieved. He said, 'Bushe, I believe you don't know the ways of the house,' and, taking me under the arm, conducted me to the drawing-room. In one moment I was as much at my ease as if I had been his daily companion. I sat opposite to him at dinner. The first words he addressed to me were these, (Lady Conyngham, who sat next him, had been whispering something in his ear): 'Bushe, you never would guess what Lady Conyngham has been saying to me—she has been repeating passages from one of your speeches against the Union.'

"He saw that I started, and was rather at a loss for what to say, and instantly changed the subject by recommending me to try a particular French dish from which he had just been helped. 'This,' said he, 'I can recommend as the perfection of cookery. My cousin, the Duke of Gloucester often produces it for his guests, but always fails in it—it is the same with all his dishes. He has a remarkable talent for giving bad dinners.'

"The King soon after returned to the Union. 'My early opinion was,' said he, addressing Saurin, 'that your and the Solicitor-General's (Bushe's) opposition to the measure was well founded, and since I have seen this glorious people, and the effects produced by it, that opinion is confirmed; but,' he added, as if correcting himself, 'I am sure you will agree with me in considering that now the measure is carried, you would both feel it your duty to resist any attempt to repeal it

with as much zeal as you originally opposed it. But you all committed a great mistake; instead of direct opposition you should have made terms, as the Scotch did, and you could have got good terms.' He then summed up some of the principal stipulations of the Scotch Union (for he had history at his fingers' ends).

"Saurin said (a very odd remark, as it struck me, to come from *him*), 'And the Scotch further stipulated for the establishment of their National religion.' 'You are quite right,' said the King. 'They secured that point also—but, no, no,' he added, hastily checking himself, 'you must pay no attention to what I have just said. It would not be right to have it supposed that I entertain an opinion from which inferences might be drawn that would afterwards lead to disappointment.' "

This is a very important narrative in my opinion.

Plunket felt dissatisfied that Bushe retained the office of Solicitor-General after he himself resigned his post of Attorney-General on the breaking up of the Grenville Cabinet. Plunket being absent from Court when a cause in which he was Counsel was called on, the Judge inquired of Mr. Bushe "if he knew what detained Mr. Plunket." Bushe jocosely replied, "I suppose, my Lord, he is Cabinet-making." When Mr. Plunket appeared, some goodnatured friend told him of Bushe's joke, on which Plunket proudly said, "I assure your Lordship I am not so well qualified for cabinet-making as my learned friend. I never was either a *turner* or a *joiner*."

Some of the *bon mots* of these illustrious members of the Irish Bar may pleasantly be introduced here.

An acquaintance of Plunket's, who was not remark-

able for his brilliancy, was said to have foretold an event. "I always knew he was a *bore*," replied Plunket, "but I did not know he was an *augur*." On applying the common expression to accommodation bills of exchange, that they were *mere kites*, the Judge (an English Chancellor) said, "He never heard that expression applied before to any but the kites of boys." "Oh," replied Plunket, "that's the difference between kites in England and in Ireland. In England the wind raises the kite, but in Ireland the kite *raises the wind*."

At a dinner-party given by the Archbishop of Dublin, a young Fellow of Trinity College narrated the difference of opinion between Dr. Brinckley, the great astronomer, and another eminent star-gazer, Dr. Pond. He said "Brinckley maintains that the parallax of  $\alpha$  lyræ is three seconds, and Pond insists it is only two. Each upholds his own opinion with the utmost pertinacity; and I don't know how it will ever end."

"Upon my word, sir," said Plunket, with great seriousness, "it must be a very bad quarrel *when even the seconds cannot agree*."

A Chancery officer named Moore, was noted for what he called his *calligraphy*, while one of the greatest dandies among the solicitors was named Morris. One day, while the Chancellor was absent at luncheon, and the Bar was waiting his return, Bushe asked Plunket "Why should this Court remind one of Chester?"

"I can't guess," replied Plunket.

"Because," answered Bushe, "we are near Penman Moore" (Penmanmaur).

Plunket was not to be outdone. "I ask you now," he said, "why it reminds us of North Wales?"

Bushe gave it up. Pointing to the dandy solicitor, Plunket said, "Why there's Beau-Morris."

When the late estimable Judge Ball, who was not remarkable for early rising, was appointed a judge of the Common Pleas, then having so little business as merely to sit about an hour or two, Plunket said, "It's the very Court for him. It will be *up* every day before himself."

Bushe's talent for repartee was very quick. I sub-join some instances. One day while Plunket was speaking, a friend said to Bushe, "Well, if it was not for the eloquence, I'd as soon listen to Sir Henry Meredyth," a very prosy speaker.

"No doubt," replied Bushe, "just as the Con-naught man said, 'Pon my conscience, if it was not for the malt and the hops, I'd as soon drink ditch-water as porter.'"

A large party intending to cross the Ferry at Ballin-law, were prevented by a tremendous storm. One, alone, Mr. Cæsar Colclough, started with the ferryman. Bushe instantly composed the following epigram:—

"While meaner souls the tempest keeps in awe,  
Intrepid Colclough crosses Ballinlaw,  
And tells the boatman shivering in his rags,  
'You carry Cæsar and his saddle-bags.'"

An acquaintance of Bushe's, not very clean in his person, once asked "If he could give any remedy for a sore throat?"

"Yes," replied Bushe, "that I certainly can."

The friend begged to hear it.

"Take," said Bushe, "a pail of hot water, hot as you can bear it, put therein a pint of bran, and rub your leg well for a quarter of an hour."

"Why, Bushe," replied the invalid, "that is nothing more than washing my feet!"

"I admit," returned Bushe, "it certainly is open to that objection."

It is related that when the late Sir Robert Peel was Chief Secretary for Ireland, he met an Irish country squire, remarkable for his vulgarity. Bushe was a neighbour, and the country squire was loud in his praises of the Irish orator, so Peel inquired "what was Mr. Bushe's *forte*?"

This was quite a puzzle to the squire, so Mr. Peel had to put the inquiry in more intelligible shape. "What was Mr. Bushe most remarkable for?"

"Ah, I understand,—the Jury."

"And how does he manage the Jury?"

"Troth, this way. He blarneys them. He first *butthers* them up, and then he *slithers* them down."

## CHAPTER XV.

## PETER BURROWES, K.C., THE GOLDSMITH OF THE BAR.

A native of the Queen's County.—Born in 1752.—Educated in Portarlington.—Career in College.—Auditor of the College Historical Society in 1779.—Advocates the rights of Catholics in 1784.—Called to the Bar in 1785.—Joined the Leinster Circuit.—First successful speech.—Letter from the Hon. S. Butler.—Mr. Burrowes' reply.—A duel and Providential escape of Mr. Burrowes.—A subsequent friendly meeting.—Suspected of disloyalty.—Application to the Lord Chancellor to be made King's Counsel.—Obtains his position.—Hostility to the Union.—Member for Enniscorthy.—Defence of Grattan.—The Bar meeting.—Mr. Burrowes' project.—Supports Sir L. Parsons.—Notice of Mr. Burrowes in "Irish Political Characters;" also in Barrington's "Rise and Fall of the Irish Nation."—His clumsy appearance.—His voice.—Effect of his eloquence.—Defends the Catholic Delegates in 1811.—Speech on the prosecution of Robinson for bigamy.—The ungrateful client.—A brief tenure of office.—In 1821 appointed Commissioner of the Court for Relief of Insolvent Debtors.—Compliment from the Leinster Bar.—Retired with a pension in 1835.—Conduct on the Bench.—Anecdotes.—Last public speech.—Death in 1841.

## THOMAS GOOLD, MASTER IN CHANCERY.

Born about 1770.—Personal graces.—Expensive career.—Studies Law.—Defence of Mr. Burke.—His visit to Beaconsfield.—Recall of Earl Fitzwilliam.—His success as a speaker.—Great Circuit practice.—Mode of annoyance.—A Serjeant in 1823.—Anecdotes.—Appointed Master in Chancery in 1832.

—Anecdotes of the Master and Major Spread.—The Master and Burke Bethel.—Daughters and sons.—Death in 1846.

No member of the Irish Bar is held in more affectionate remembrance than Peter Burrowes. He did not achieve high rank, he did not acquire a fortune, but his amiable disposition, unbending patriotism, and the excellent and humane manner in which he discharged his professional and official duties, have embalmed his name in the Irish heart.

This worthy ornament of the Irish Bar was descended from a very respectable family of the Queen's County, and was born in Portarlinton in 1752. He seems to have been early imbued with strong national feelings, and these were carefully nourished, and grew with his growth, and strengthened with his strength. Portarlinton was the refuge of many of the French Huguenots, and boasted excellent schools. In his native town the mind of Peter Burrowes was well informed, and proud must his preceptors have been, when, on entering Trinity College, Dublin, in 1774, the Queen's County student eminently distinguished himself. He gained a first Scholarship. He was the personal friend of fellow-students whose names are famous—Plunket and Bushe. He was the Auditor of the College Historical Society for the Session of 1779, and when the efforts of the Vice-Chancellor of the University and others to crush the National spirit of the students compelled the members of the Historical Society to hold their debates *extra muros*—the closing speech was delivered by Mr. Burrowes. His large and loving heart yearned to give his Roman Catholic fellow-

countrymen equal rights with those of the Protestants, and he published a pamphlet in 1784 in which he advocated the rights of Catholics to the Election franchise. This production won for the author the friendship and regard of some of the leading men of the Irish Parliament, and especially of the Right Hon. Henry Flood. After careful preparation Mr. Burrowes was called to the Bar in Easter Term, 1785, and joined the Leinster Circuit. In those days acting as Counsel in cases of Election petitions was a great source of revenue to the Irish Bar, and Mr. Burrowes had a considerable share. It was when addressing the Election Committee in support of the petition against the return of the Hon. Francis Hely Hutchinson, that he made a speech which established his fame as one of the most able lawyers at the Bar. These were the days when duels were the mode of deciding personal quarrels, and they were very frequent, especially among the gentlemen of the Bar. Mr. Burrowes was counsel in 1794, in a case in which Lord Mountgarrett was a party, and Mr. Burrowes had occasion to denounce his Lordship in terms much stronger than suited the taste of his Lordship's son, the Hon. S. Butler. This gentleman addressed the following note to Mr. Burrowes:—

*“ Green’s Hotel.*

“ SIR,—I am sorry to be obliged to tell you that your conduct in bringing my father’s name into a public Court, when you must have known that I was present, was treating me ill, and behaving unlike a gentleman.

“ Your obedient humble servant,

“ S. BUTLER.”



Mr. Burrowes replied to this very significant note, —that any allusion he made to Lord Mountgarrett was in obedience to his instructions; nor was he conscious of having spoken disrespectfully of his Lordship. He, Mr. Burrowes, therefore requested the Hon. S. Butler to change his expression, and to certify to Mr. Burrowes that he did so. This Mr. Butler refused, and Mr. Burrowes sent him a challenge, which was promptly accepted. They met, and, owing to the circumstance of Mr. Burrowes relieving a beggar on his way to the ground, his life was providentially spared. He was asked for alms, and, on receiving change at a shop, gave relief to the beggar, and put some penny pieces in his waistcoat pocket. Mr. Butler's ball was intercepted by these coins, and the duel then ended harmlessly.

Years afterwards the duellists met again. They had forgotten each other, and while walking home after a pleasant evening with a mutual friend, to Leeson Street, the conversation was upon the then nearly obsolete practice of what were called affairs of honour. Mr. Butler spoke in very strong terms, denouncing it as a wicked custom. Mr. Burrowes, to the amusement of his companion, related the circumstance of his having sent a hostile message in former years, and very narrowly escaped being shot by his antagonist. They now reached Mr. Burrowes's house, 160, Leeson Street, where, to the great surprise of the simple-minded Peter, Mr. Butler told him "he was the son of Lord Mountgarrett, who was his antagonist upon that occasion. They were thenceforward steadfast friends.

Although not of the United Irishmen, who fomented

the Rebellion in 1798, Mr. Burrowes was much among them, and his intimacy with Thebold Wolf Tone, caused his loyalty to be suspected by John Toler, then Attorney-General, and the Lord Chancellor, the Earl of Clare. Mr. Burrowes was supposed to have settled the Declaration of the United Irishmen in Belfast, but a letter from Wolf Tone to the Editor of *Failkner's Journal*, of 17th July, 1793, exonerates him from this accusation. Convinced he never would receive that station at the Bar to which his practice entitled him—that of King's Counsel, while the Chancellor withheld the silk gown, he wrote a letter containing the following extract:—

“ I fear I shall swell this letter to a most unreasonable length by stating to your Lordship why I am desirous of obtaining a silk gown. I cannot, however, close this subject without removing the possibility of your Lordship's imputing it to vanity, or some vain or frivolous motive. I have gone Circuit ten years; my principal professional emolument is derived from Circuit, and its consequences in town. Since I went Circuit but one barrister in business has left it; almost every man who is employed in a single record is my senior in standing, or put over my head by a silk gown.<sup>1</sup> Barrington and Smyth, almost the only persons junior to me who have business, have obtained silk gowns. I thought my business rendered precarious, and consulted my friends, and amongst others some of the

<sup>1</sup> It may be right to inform the non-professional reader that barristers take precedence by standing, or priority of date of call, and Queen's Counsel over the outer Bar, who wear stuff gowns; Q.C. silk.

Judges; they all concurred in my opinion that a silk gown would serve me—Judge Downes, in particular, urged me by all possible means to endeavour to obtain it. His perfect knowledge of my situation, and of the Circuit which I go, rendered his opinion decisive. He was so kind as to add, that, if he were referred to by your Lordship on the subject, he would, in the strongest manner, express his opinion of my fitness for the situation. I entreat your Lordship's excuse for this tedious letter, with which nothing but the extreme anxiety I felt to vindicate myself from a very heavy imputation, would have induced me to trouble your Lordship.

“I am, &c.,

“PETER BURROWES.”

To that letter the haughty Chancellor vouchsafed no reply, but the importunity of friends succeeded, and worthy Peter signed himself K.C. Perhaps his gravest offence in the eyes of Lord Clare, was his inveterate hostility to the Legislative Union. He represented the borough of Enniscorthy in the Irish Parliament, and as a specimen of his oratory, I give his spirited defence of Grattan, who, in his absence, was attacked by the Irish Secretary, Lord Castlereagh:—

“I feel but little any portion of the noble Lord's obloquy which may attach to me, or my humble efforts; but I own I cannot repress my indignation at the audacious boldness of the calumny which would asperse one of the most exalted characters which any nation ever produced, and, that in a country which owes its liberties, and its greatness, to the energy of his exer-

tions, and in the very House which has so often been the theatre of his glorious labours and splendid achievements. I remember the man, the theme of universal panegyric, the wonder and the boast of Ireland for his genius and his virtue. His name silenced the sceptic upon the reality of genuine patriotism. To doubt the purity of his motives was a heresy which no tongue dared to utter. Envy was lost in admiration, and even they whose crime he scourged, blended extorted praises with the murmurs of resentment. He covered over the unfledged Constitution with the ample wings of his talents as the eagle covers her young; like her, he soared, and like her he could behold the rays, whether of royal favour, or of royal anger, with undazzled, unintimidated eye. If, according to Demosthenes, to grow with the growth, and to decay with the decline of our country be the true criterion of a good citizen, how infinitely did this man, even in the moment of his lowest depression, surpass those upstart patriots who only become visible as their country vanishes."

At the famous Bar meeting to resist the Union, Mr. Burrowes took a very active part, and entertained a project which would, certainly, either have prevented the Union or caused civil war. His project was an appeal to the various Yeomanry corps throughout Ireland, who, he urged, by their oath, were sworn to uphold the King, Lords, and Commons of Ireland; which necessarily and in terms pledged them to oppose the Union. With great difficulty his friends, Mr. Saurin and Mr. Foster, induced Mr. Burrowes to abstain from pressing this, which he afterwards lamented as a fatal concession.

To the last he fought for the Constitution of Ireland. During the final Session Sir Laurence Parsons moved an amendment declaring "That Parliament was bound to maintain the Constitution established in 1782." Mr. Burrowes made a powerful speech in support of Sir L. Parsons.

I have seen several contemporary publications all bearing unvarying testimony to his honesty and ability. The anonymous author of "Irish Political Characters" gives the following notice of him, "This gentleman has been for some years a King's Counsel, the reward of his distinguished merits at the Bar. When in College he was alike remarkable for the possession of great genius and application. At the time he was keeping his Commons at the Temple, he was very punctual in his attendance at the Debating Societies, and he was a constant and very superior speaker. Garrow was often his opponent, but Mr. Burrowes was infinitely his superior, both in eloquence and information."

Sir Jonah Barrington, who for years went the same Circuit with Mr. Burrowes, bears equal testimony to his sincerity and ability. In his "Rise and Fall of the Irish Nation," Sir Jonah thus refers to him: "Mr. Peter Burrowes, a veteran advocate of the rights of Ireland, wherever and whenever he had the power of declaring himself, made a most able effort to uphold his principles against the Union. He was a gentleman of the Bar who had many friends and justly. Nothing could be more ungracious than his manner, nothing much better than the matter of his orations. His mind had ever been too independent to cringe, and his opinions too intractable for an arbitrary minister. On

this night he formed a noble and distinguished contrast to those of his own profession who had sold themselves and their representations for a mess of pottage."

Sir Jonah's account of his friend's ungracious manner, was in reference, solely, to Mr. Burrowes' personal appearance, and very husky, unpleasant voice.

I remember him well. His figure was of very clumsy shape, and he moved with ungraceful gesture. There was no natural elegance in his exterior—it was all inside. His features were short, but pleasing. His voice was the worst, and seemed to come *ab imo pectore*—from the bottom of his throat. It was not unlike the puffs of an asthmatic bellows, but his heart was in his words, and it was impossible to listen to his earnest and impressive pleading without responding to the conviction of the inspired speaker. He induced others to believe what he believed in himself; whatever of prejudice his manner or his voice excited in the hearer, was soon swept away in the stream of fervent eloquence that produced flowers as it flowed. His zeal on behalf of the Catholics was ardent and enduring, and when the Catholic Delegates were prosecuted for a breach of the Convention Act, Mr. Burrowes was the leading counsel for the traversers. His speech on that occasion may be read with interest, but instead of inserting it here, I prefer giving his speech for the prosecution of Robinson for bigamy. He was one of the most heartless scoundrels that ever betrayed youth and innocence. The story of this man's villainy is told in Mr. Burrowes address to the jury, and presents all the features of a romance. I therefore give it here under the title of

THE UNGRATEFUL CLIENT.

“On a luckless morning in the month of July, 1810, the prisoner at the Bar rapped at the door of Mr. Charles Berry, an eminent attorney, residing on Arran Quay, in the city of Dublin. He was admitted to a conference—a long and full conference. Mr. Berry never had known him, never had seen him, never heard that such a man was in existence. His appearance was wretched and squalid to a degree of extremity—carrying the marks, the legible marks of misfortune and affliction. His appearance excited Mr. Berry’s compassion, and he bestowed upon him his sympathy. His tale of folly and misfortune was corroborated by letters from persons in whom Mr. Berry could confide.

“From these it appeared this man was the nephew of General Robinson, who left him a legacy, amounting to the great sum of one hundred thousand pounds. Thinking this sum inexhaustible, he became extravagant and profligate; purchased a commission in a cavalry regiment, and when quartered at Clonmel, became acquainted with the family of Mr. Stoney, of Arran-hill. He paid his addresses to the eldest daughter of Mr. Stoney, while yet a minor; a Scotch marriage was decided on. On their way to Scotland they stopped in Dublin, at the house of a professional gentleman who had married another daughter of Mr. Stoney. Here he made a settlement vesting twenty thousand pounds for the wife and issue of the marriage, and four thousand for purposes not defined. At this time the prisoner got acquainted with a Mr. Vigne, a

jeweller in Nassau Street. They then set off for Scotland, where they were married. They then went to London, where they indulged in the greatest expenses, hired a furnished house in the most fashionable part of the city; he also hired a country villa, purchased four carriages, and seven race-horses, with an enormous establishment of grooms, postillions, and outriders. He flourished at Newmarket and Epsom. He shot like a meteor across public observation. He dazzled for a week—he was recollected for a month. He became a candidate for Parliamentary honours, and, though he did not succeed, his contest cost him eighteen thousand pounds. At the end of two years he was without money and without credit. Bailiffs were his principal visitors. He ultimately became a prisoner in his own house. He told Mr. Berry he had allowed a Receiver of the Court of Chancery, under a decree in an amicable suit, to be put over lands bought with his money, and that Mr. Stoney received the rents, and would not allow him a penny. That he lent Mr. Stoney at various times, from eight to ten thousand pounds, and that his wife and four children had deserted him, and went to live in his father-in-law's house. He attempted to follow them, but he was repulsed, the doors of his father-in-law's house were shut against him; he was left a stranger in a strange land, bereft of his fortune, abandoned by his wife, shunned by his offspring, and left a prey to want and the impending horrors of arrest and imprisonment.

“Mr. Berry took him under his protection, procured him a lodging, giving security for the rent, and supplied him with means of support. He also provided



him a physician, medicine, and wine. Finally he became an inmate of Mr. Berry's house, and the kind-hearted Solicitor undertook the necessary proceedings to recover such of the property as was recoverable. Mr. Berry had a delicate wife, and two daughters, one a child, the other about sixteen years of age. She it is, who has become the hapless heroine of this sad story.

"She was in her person lovely, in her manners interesting, in female accomplishments eminently cultivated, in domestic virtues and filial duty pre-eminent. She had an ardent and elevated mind, a warm and affectionate heart. She was the delight of her parents at home, their pride abroad, the solace of their labours and their cares, and the anticipated hope and joy of their declining years. The love of offspring, the most forcible of all our instincts, is ever stronger towards the female than the male child. It is wise that it should be so, it is more required; it is just that it should be so, it is more wanted. There is no pillow on which the head of a parent, anguished by sickness or by sorrow, can so sweetly repose as on the bosom of an affectionate daughter. Her attentions are necessary. The boy may afford occasional comfort and pride to his family, they may catch glory from his celebrity, and derive support from his acquisitions, but he can never communicate the solid and unceasing comforts of life which are derived from the care and tender solicitude of the female child; she seems destined by Providence to be the perpetual solace and happiness of her parents. Even after marriage her filial attentions are unimpaired. She may give

her hand and heart to her husband, but still she may share her care and attention with her parents without a pang of jealousy or distrust from him. He only looks on them as the assured pledges of fidelity and the unerring evidences of a good disposition.

“ Mr. Berry never suspected that a married man with four children, paralyzed and forlorn, received under his hospitable roof, covered with benefits, could be guilty of meditating the infliction of a fatal wound upon his benefactor. But it turned out he had means of acquiring an ascendancy over a young female mind which were, unfortunately, too persuading, and on the 18th of November, when he was so worn down by illness that his life was in danger, when he had to be carried to a carriage in the arms of a servant, he induced Miss Berry to accompany him to the house of Mr. Vigne, in Nassau Street. Here he had provided a clergyman named Harris, who married him and Miss Berry. He then was carried back to his carriage, and in Mr. Berry’s arms to his own bed, but did not complete his crime. Miss Berry returned to her father’s house. After some time the secret marriage transpired, and Robinson claimed her as his wife. This circumstance affected Mr. Berry with horror, and caused his wife nearly the loss of her reason. Her aunt, whose fortune she was to inherit, was seized with apoplexy.”

The first and second marriage being proved, the wicked and ungrateful client was found guilty of bigamy, and transported.

Mr. Burrowes held a lucrative appointment for a brief period, while the Ministry of “ All the Talents,”

held possession of the Treasury benches. Charles James Fox appointed him first Counsel to the Revenue, but as it depended upon the duration of the Government, he only held it from 1806 to 1807. He got a hint that if he was of the opinion of the new Ministry on the Catholic question, he might retain his office, but this was not the character of Peter Burrowes, so he said "his views on the question of Catholics being entitled to equal rights with Protestants was unaltered," so he was removed from his office.

Until 1821 he practised at the Bar, and in that year the Court for Relief of Insolvent Debtors was established in Ireland. Peter Burrowes and Mr. Parsons were the joint Commissioners. On his retirement from Circuit the members of the Leinster Bar presented the veteran with a handsome testimonial and a suitable address. That he well deserved this compliment may be inferred from the words of his friend, Lord Plunket, in proposing his health.

"I know no man who has more to answer for. He has spent his life in doing acts of kindness to any human being but himself. He has been prodigal of his time—his trouble—and his fortune, to a degree that is quite inexcusable. In short, I know no way to account for such an anomaly but by supposing him utterly deficient of the instinct of selfishness."

For a period of about fifteen years Mr. Burrowes presided as Commissioner of the Insolvent Debtors' Court. He retired in 1835 upon a pension of 1600*l.* a year. Fifteen years later I became officially connected with that court, and several of the old officials and practitioners remembered the late judge, and gave me

several instances of his kind heart and simple nature, which I introduce into this sketch.

Mr. Macnally, one of the principal attorneys practising in the Court, informed me that the Commissioner was one of the most kindly disposed men towards the debtors who ever sat upon the bench. He was accustomed to sit until a very late hour on the eve of such festivals as Christmas and Easter, in order, if possible to allow the insolvents to pass those solemn days in the society of their families. He was often known to send a person, in whom he could confide, to make terms with an obdurate detaining creditor, and would pay out of his own pocket sums of money to allow a struggling, honest, but unfortunate insolvent to get the benefit of the Act. This was frequently done on Circuit, of course unknown, save to the friend entrusted with the errand of mercy.

Mr. Burrowes was very absent at times, and I was told, was so accustomed to shave before a looking-glass, placed in a particular spot in his dressing-room, that when the glass was broken and removed, he still repaired to his accustomed corner, and performed his shaving unaware he had no looking-glass. Donnelly, his old valet, told me when dressing for a dinner-party he missed one of his black silk stockings. Donnelly assured him they had been placed together on a chair.

"I have tried everywhere, Donnelly, and I can't find it high or low," said the judge.

"Did you try your foot, sir? for I'm thinking you put the pair on the one leg."

The Commissioner did. "'Pon my word you are right, Donnelly," said he, as he descried what he had done.

His brother Commissioner, Parsons, once wrote to him an urgent note for a loan of 20*l.* Peter knew Parsons was always in want of money, and wrote back,

“Dear Parsons,—I inclose you all the money in my possession, a 10*l.* note.

“Yours truly,

“PETER BURROWES.”

Instead of being a note for only 10*l.* it was for 50*l.*, and was thus acknowledged:—

“My dear Peter,—I am greatly obliged to you, and, when I am able, I’ll repay you the 50*l.*

“Yours sincerely,

“J. PARSONS.”

Near the close of his long life, his voice once more was heard in public. When in his eighty-seventh year he attended a meeting held to congratulate Earl Fortescue on being appointed Lord-Lieutenant: the Earl of Charlemont was in the chair. The patriarchal appearance, and the unvaried patriotism of his life, gained Mr. Burrowes, as he deserved, a most enthusiastic reception. He was asked to address the meeting, and thus complied:—

“My Lords and Gentlemen,—I came here by accident, and did not expect I should be called upon to take part in your proceedings. I did not think I should raise my voice in public again; but, having been requested to second the address just read, I cannot show my gratitude for the compliment conferred upon me better than by responding to what I consider an honour. It is not within my reach, either

physically, or intellectually, now to do justice to the subject of that address. All I can say is, that through the course of a long life the very term ‘ascendancy’ afflicted my feelings, and I never could hear it without regret, in consequence of the abuses to which it led. I feel now the term receives a correction by applying it to the whole community; and shall conclude with this sentiment, and the expression of the hope, that I might live still further to see the whole country ascendant, and every individual belonging to that country certain of justice.” For some years before Mr. Burrowes’s death I was his next-door neighbour in Leeson Street, and often met the patriarch and his beloved daughter walking in St. Stephen’s Green. He lived on intimate terms with Lord Plunket, and, when dying, in 1841, in his eighty-ninth year, bequeathed to Lord Plunket his gold snuff-box; with the inscription, “To my friend, Lord Plunket, whom nature hath ennobled.” Though the Peerage did not enrol Peter Burrowes, Nature wrote legibly upon his open brow the grand, true name of gentleman—*clarum et venerabile nomen*.<sup>1</sup>

THOMAS GOOLD, MASTER IN CHANCERY.

THE name of Goold is of considerable antiquity in the legal history of Ireland. In the reign of Queen Elizabeth, James Goold was second Justice of the Court of the Lord President of Munster, and long anterior, the chief Magistrate of the City of Cork was usually

<sup>1</sup> A Memoir, which has supplied materials for my sketch, was published by W. Burrowes, Esq.

selected from this family. In 1801, Francis Goold was created a baronet, and the family was still further distinguished by the splendid talents and virtues of the gentleman whose career I now sketch.

Thomas Goold, one of the most eminent members of the Irish Bar, was born about the year 1770. In youth he had all the advantages of wealth and position, and, by nature, was qualified to do credit to his ancient house. He was compact in person, with handsome, intelligent features, a pleasing voice, and great oratorical talents. Having cultivated his intellectual and physical powers, he resolved to display his accomplishments, and, possessed of ample means, indulged in lavish expenditure. He drove handsome carriages, rode thoroughbred horses, took part in private theatricals, and gave batchelor parties. These outgoings soon made serious alterations in the state of his finances, and he discovered that, in order to maintain his independence, he must do something besides spend. As he was ambitious, and liked to excel, he resolved to study the law. With one so mentally constituted as Thomas Goold, a good beginning was all that was needed. Having made up his mind to work he did work, and soon made considerable progress in mastering the great leading principle of the laws and constitution of England.

A very good proof of his intellectual powers was given by him at an early age, when the Right Honourable Edmund Burke published his "Reflections on the French Revolution." It was violently assailed. Mr. Goold had but a very short time returned from Paris, where he witnessed so many cases of atrocity, as

enabled him to bear out many of the positions laid down by Mr. Burke. He boldly and vigorously defended the "Reflections" in a pamphlet, and encountered Mr. Burke's critics. "I never," he stated in his work, "saw Mr. Burke but once, I was then in the gallery of the House of Commons. I know no man that knows him. I probably shall know no man that knows him. In a few weeks I leave this country, perhaps never to return. I expect but little from any man. I shall never ask anything. In whatever country I live—in whatever situation I may be placed, I shall look down on grandeur—I shall look up to greatness. Nor wealth, nor rank, nor power, nor influence, shall bend my stubborn neck. I am prostrate before talent, I am prostrate before worth; my admiration, for Mr. Burke amounts almost to enthusiasm." So much earnestness—so much independence, was balm to the spirit of the illustrious Irishman, who could hardly have failed to observe the Celtic fervour in which Mr. Goold's work was written. Mr. Burke was then in need of such consolation. He had been ill-treated by the party for whom he had done so much, and, therefore, was most grateful for these words from one to whom he was personally unknown. He resolved this should not long remain the case; he discovered the name of his unknown ally, and sought to repay his zeal.

An opportunity soon presented itself. Earl Fitzwilliam—a personal friend of Mr. Burke's—was appointed Lord Lieutenant of Ireland in 1796. While *en route* for his Viceroyalty, he promised to pay a visit to Beaconsfield, Mr. Burke's country seat. A letter



was handed to Mr. Goold, who read it with surprise and delight. It contained a most friendly invitation from Mr. Burke, asking Mr. Goold to hasten to Beaconsfield for a few days, to meet His Excellency, Earl Fitzwilliam. You can picture the visions of castle festivities, not to speak of official distinction, which passed before the imagination of Mr. Goold when he perused this most friendly letter. We may be sure he was not slow in accepting it, but still he arrived too late. His Excellency was unable to remain as long as he intended, and left for Dublin before Mr. Goold arrived. Mr. Burke proved himself a warm and grateful friend. He kept Mr. Goold for several days his guest, and when departing, gave him a strong recommendation to the Viceroy. This, I make no doubt, would have secured a good appointment, had not the liberal measures of Lord Fitzwilliam's administration created so much alarm in the minds of the Protestant Ascendancy party in Ireland and in England—they forced the Government to recall the popular Viceroy. Thus terminated Mr. Goold's official prospects for the time.

How little can we foresee our lot in life, or by what accidents our career is appointed. Denied the chance of Castle patronage, Mr. Goold found he must look to his practice at the Bar for his livelihood, and urged by the sharp spur of necessity, he worked steadily and perseveringly. Shortly after being called, some successful speeches in *Nisi Prius* cases established his fame as a powerful advocate, and he was soon in great practice. His eloquence, as has been seen in his speech at the celebrated Bar meeting, was of the boldest, and most

energetic cast. He spoke strongly, because he felt deeply, and no one surpassed him in the power to stir hearts. He evinced great tact and discernment. He knew every avenue to the reason, and when he failed in argument he had recourse to the passions. His brilliant flights of fancy dazzled, if they did not convince, and if they were sometimes overstrained, they usually bore him to a triumphant victory.

He went the Munster Circuit, and in Cork, where his family held high position ; and in Limerick, where many of his kindred dwelt, he was always well received, and briefs showered upon him. He was not devoid of vanity, and Harry Dean Grady, who was quite his opposite in many respects, as we shall find later on, took great delight in covering Goold's polished and refined manner, with irresistible ridicule. Grady was a vulgar wag, a male virago, with ludicrous powers of mimicry ; and his contortions of countenance, while Goold was in his pathetic moods, very often set the court in a roar, to the utter discomfiture of the eloquent speaker. In 1823, a vacancy having occurred among the three Irish Sergeants-at-Law, the *coif* was conferred on Mr. Goold, and while sergeant, he delivered many of his most eloquent Bar speeches.

An amusing anecdote, related to me, is the following :—While on Circuit in Limerick, the sergeant was invited to dine with a friend outside the city, and when returning late at night, after passing a very convivial evening, met a patrol of military, under the command of a Highland sergeant.

“ Who goes there ? ” asked the Scotchman.

“ Sergeant Goold,” was the reply.

“Well mon, if you be Sergeant Goold, produce your furlough.”

This unexpected and, perhaps, unintelligible demand was not promptly met, so the Highland Sergeant was convinced the rank of the civilian was assumed, and was about taking the honoured sergeant into custody, when luckily, an officer of the garrison came up, and recognizing his Majesty’s Sergeant-at-Law, rescued him from the guard-house. It took some time to reconcile the Scotch sergeant to the loss of his prisoner, for he could not understand how any one could be a sergeant who had not *sarved*.

The lucrative office of Master in Chancery was given to Sergeant Goold in 1832, and he disposed of his duties very efficiently.

He resided in Merrion Square, with his amiable and accomplished family, but was much disturbed by a neighbour who lived next door, and whose brain was somewhat deranged. He was a Major Spread. One of his freaks was keeping his house in such a state of unrepair as to cause Master Goold to apprehend the chimney would tumble and do mischief. He remonstrated often with the Major, but without effect. At length the Master’s worst anticipations were realized. The chimney of the Major’s house crushed through the Master’s roof, and landed at the top of the bedroom stairs.

Furious and indignant, the Master next morning was thinking what damages he could recover, when his footman said “the Major’s servant wished to see him.” “Show him in,” replied the Master, expecting a very humble apology for the trouble and inconvenience, not

to speak of the expense, occasioned to the Master and his family by this occurrence. When the servant appeared before the Master he said, "Master, the Major sent me, with his compliments to say, he'll be greatly obliged to you if you *send him home his bricks.*" Having delivered his message, the man beat a hasty retreat, for, from the Master's quick temper, he did not care to await his reply.

A friend told me the following anecdotes of the Master and Isaac Burke Bethel, an old member of the Bar, who was ever ready to accept any meals he could get, or take any fee that was offered. On one occasion when engaged in a prosecution, he said very pompously, "I appear for the Crown, my Lord."

"Oftener for the *half-crown,*" whispered a wit, who knew Burke Bethel's line of practice. When Master Goold had taken the house in Merrion Square, Bethel called and expressed his wish to see it. The Master had no desire to encourage his visits, but could not refuse to show him the house. As he did not offer him luncheon, which was what Bethel sought, when going down a back stairs, the light being dim, Bethel said, "A man might easier break his neck, than break his fast in this house."

Even this broad hint was untaken, so when parting Bethel said, "I declare, Master, it is more than six years since you gave me a dinner."

"Then you are barred by the statute of limitations, sir," said the Master, as he bowed his importunate visitor out.

The Master had a numerous family of worthy and gifted sons and lovely daughters. One of his daughters

married a very estimable and talented nobleman of high descent, the late Earl of Dunraven, and left several children. Another was the wife of Sir Gore Booth, Bart. The eldest son of the Master was accidentally drowned; his second son is a most respected clergyman, Archdeacon of Raphoe, and the youngest, who was my circuit companion for several years—loved when living and lamented when death snatched him from all that could attach him to the fleeting world, was Wyndham Goold, M.P. for the County of Limerick. We had travelled together shortly before his death, and we parted in order that he might go on the continent. I little thought he was so near his death, and it was the last I should see on earth of one of the most accomplished and agreeable companions I possessed.

The Master died at an advanced age in 1846. His appointment was conferred upon one of the most competent members of the Irish Bar, Henry Baldwin, Q.C., but a voice potential in Irish affairs at that time, to wit, Daniel O'Connell, finding the letter to Mr. Baldwin was not posted, caused the appointment to be revoked, and the vacant mastership given to another. It was worthily bestowed upon an excellent lawyer, and patriotic Irishman, Jeremiah J. Murphy, Q.C. This excellent lawyer most satisfactorily discharged his judicial duties, and died June 1878, deeply and deservedly regretted.

## CHAPTER XVI.

## LAST SITTING OF THE IRISH HOUSE OF COMMONS.

10th June, 1800.—Appearance of the House.—Conduct of the Members.—Anecdote of the Member for Limerick City.—Lord Castlereagh moves the Motion that the Bill for the Union do pass.—How the Speaker put the Question.—The Ayes have it.—Anecdote of Curran.

It was on the 10th June, 1800, the members of the Irish House of Commons sat for the last time. The Bill for the Union was to be passed. Many went there, crushed in spirit, and desponding in mind, but sustained by the consciousness that they had performed their duty, and fought valiantly the battle of the Constitution of their native land. The Speaker—Right Hon. John Foster—was of this number. He had resisted the measure in every way consistently with his duty, and the dignity of his high station, and the forms of the House had been used to delay it as far as practicable, in vain. Salaried officials, pensioners, and place-hunters, had been elected to barter away the Parliament of a country of which they knew nothing, and cared nothing. Venal representatives were corrupted, and sold their votes for place or money bribes. One member for the City of Limerick, when accused of selling his country, had the hardihood and unblushing effrontery to reply,—

“Thank God! I have a country to sell!” Fearing

some outburst of popular anger might disturb the last meeting of the Commons, soldiers were paraded round the House, and the tramp of British infantry resounded beneath the portico of the Irish Senate House. The members took their seats, and one could tell, by the expression of each countenance, who was for—or against—the Union. The former, joyous and unconcerned, laughing and chatting gaily—the latter depressed, and, for the most part, silent, as though in the room with Death.

Most men looked compassionately on the Speaker. He had, it was well-known, resisted the measure with all the powers of his mind, and resources of his talents, and it was through his reluctant lips the fatal words should pass. True, he could have resigned office, but this would have availed nothing to stay the progress of the hateful bill.

He took his seat for the last time, and beheld the house crowded, and the gallery full; but no longer with auditors anxious to listen to the voice of the orator—to hear the eloquence which disclosed the genius of the land. A dull heavy weight seemed to oppress the senses, and some winding-up, routine business was got through listlessly.

At length Lord Castlereagh moved the order for the third reading of the bill for a Legislative Union between Great Britain and Ireland. He spoke like an automaton in cold measured words, that dropped from him as if by the effect of machinery. Having finished, he sat down, as though quite indifferent while the house became visibly affected. Some members hastily withdrew, as if unable to control their emotion, and unwilling that

others should see how they were moved. Some members scowled and grew excited, as if some blow had been struck which they were ready to return. Others sat pale and frightened, as if a fearful doom was to befall them.

The Speaker rose calm and dignified, but presently he sat down, for a rush of thoughts came crowding his brain, and he felt dizzy—but it was only for a moment. The innate force of his intellect sustained him. The consciousness of what was his imperative duty roused him, and he held up the bill. With a steady glance he looked upon the National Senate House, and in a firm voice uttered the formal words, “As many as are of opinion this Bill do pass will say ‘Aye,’ on the contrary say ‘No.’”

The response that came forth from the ‘Ayes’ was low in tone, but unmistakable in number. Again the Speaker tried to speak, but now his voice was indistinct—and, with an eye averted from the Bill which he held as though it was some loathsome object, he said, in a voice almost inarticulate, “The ‘Ayes’ have it.” He then stood erect, posed with the rigidity of a marble statue; then like one possessed of sudden impulse, he flung the Bill upon the table and fell back in the chair as if exhausted by the effort.

It is not exactly known whether any armed resistance to the passing of the Union Bill was actually meditated, but that such was in contemplation, may be inferred from the following incident,—

On the night of the last sitting of the Commons, a small-sized, plain-visaged man was seen lurking beside one of the great pillars supporting the portico of the



House. At this time a swaying crowd of excited citizens thronged the area of College Green, Westmorland Street, and Grafton Street, as far as St. Stephen's Green. The flash of bayonets, and the tramp of drilled soldiery might be seen and heard by the crowd. The last scene of the National Tragedy had been played within the House, and the actors—the members—were departing from the theatre of their performance, never more to repeat the play.

As the lights—one by one—were extinguished, in the Commons House of Parliament, and in the passages leading to that stately chamber, in which the abdication of the representatives of the sovereign people had just taken place, that dwarfish man looked out from eyes that almost lightened the gloom. He was recognized, and accosted. One of the United Irishmen coming close to him, said "Curran, what are you doing here?" The far-famed Irish orator and advocate sprang forward. As he did so, the cloak in which he was muffled fell from his figure, and with a countenance in which the expression of hopeless woe seemed traceable, he asked the inquirer, in bitter words, "Where are now your three hundred thousand armed men?" To this no answer came. If there was any armed confederacy organized to oppose the measure, it certainly was not prepared to act, and thus the Act of Union was peacefully carried. The measure passed the Commons on the 10th June, 1800, and received the Royal Assent on the 1st August in that year.

## CHAPTER XVII.

## CHIEF BARON O'GRADY, FIRST LORD GUILLAMORE.

A quaint joker.—Born 20th January, 1767.—Called to the Bar.—In 1802 appointed Attorney-General.—Prosecutes the traitors after Emmet's rebellion in 1803.—Succeeds Lord Avonmore as Chief Baron in 1805.—Continued Chief Baron until 1831.—Created Viscount Guillamore.—*Bon mots*.—The Timber Acts.—Indifferent lawyers.—The noisy court.—Kerry Cousins.—An honest thief.—A speech after verdict.—The acquitted highwayman.—Solomon and Samson.—Retired in 1831, and had a fit of paralysis.—Death on 20th April, 1840.—Chief Justice Doherty.—Harry Deane Grady.

STANDISH O'GRADY, for many years Lord Chief Baron of the Irish Court of Exchequer, earned a reputation as a humourist. Madden says,<sup>1</sup> "He was a quaint joker; a shrewd and old-fashioned wit, with a vein of dry humour. As a judge he enjoyed a plebeian popularity, for, with equivocal good nature, he took great sport in baffling the Crown lawyer. He was, perhaps, the least dignified person that ever sat upon the Bench; but he was proud of being so queer a character. He had a vile county Limerick brogue, which apparently he took much pains to exaggerate, he was a frolicsome *farceur*, whose antics and broad jokes would have been endurable in a tavern, but was very disgusting on a Bench of Justice."

I was long anxious to collect as much information as

<sup>1</sup> "Ireland and its Rulers since 1829," vol. i. p. 126.

I could of the career and *bon mots* of this quaint old Irish judge. Owing, chiefly, to the kind attention of his nephew, the late Standish Thomas O'Grady, barrister, I am enabled to give the following particulars :—

Standish O'Grady, first Lord Guillamore, was born at Mount Prospect, in the county of Limerick, on the 20th January, 1767. He graduated in Trinity College, Dublin, and, adopting the law as his profession, was called to the Irish Bar.

At the Bar, his great knowledge of his profession and ready talent for business, aided by his numerous connexions on the Munster Circuit, obtained him large and lucrative practice, and in 1802 he was appointed Attorney-General for Ireland, as successor of the Right Hon. John Stewart. He was the leading officer of the Crown during the prosecutions for High Treason, arising out of Emmet's rebellion in 1803, when the humane and eminent Chief Justice of the King's Bench, Lord Kilwarden, was killed. When Lord Avonmore ceased to sit as Chief Baron of the Exchequer, in 1805, the Attorney-General succeeded him, and Standish O'Grady presided as Lord Chief Baron thence until January, 1831, when he resigned, and was created Viscount Guillamore.

Among the *bon mots* attributed to him are the following :—

Mr. Darby O'Grady, the Chief Baron's brother, caught a boy stealing his turnips. The Chief Baron, being in the neighbourhood, the despoiled owner of the turnips asked his learned brother "if the boy could be prosecuted under the *Timber Acts*."

"No," replied the Chief Baron; then he added, "unless, indeed, the *turnips are sticky!*"

A case being left to arbitration, the counsel named on each side were in no great repute as lawyers, so the Chief Baron said, "You leave this to two *indifferent* lawyers, with liberty, if they disagree, to call in an *odd one.*"

At the Assizes in Tralee, great noise prevailing in the Court-house, annoyed the Chief Baron. The Crier called, "Silence," in vain. Observing the High Sheriff intently reading a book, instead of preserving due decorum, the Chief Baron called aloud,—

"Mr. Sheriff, I tell you that if you allow this noise to continue, you'll never be able to finish your novel in quiet."

Some of the Chief Baron's charges to juries were very quaint. In Kerry a number of men were indicted for a riot and assault. Several were O'Donoghues, Moriartys, Duggans, &c., and many of the jury bore similar patronymics.

Aware of the consanguinity prevalent throughout Kerry, when the case closed, his lordship prefaced his address to the jury with the significant remark,—

"Of coorse, gentlemen, ye'll acquit your own relatives."

A boy was charged before the Chief Baron with a larceny of pantaloons: the case being clearly proved, the prisoner received an excellent character for honesty. The Chief Baron's charge to the jury was pithy. "Gentlemen, the prisoner was an honest boy, *but he stole the breeches.*"

Aware how easily missing links in a chain of evidence

may be inferred, if not proved, the Chief Baron was very slow to allow counsel to speak unnecessarily in criminal cases.

A very inexperienced young barrister was employed to defend a prisoner, indicted for burglary. The case was weak as to the hour the forcible entrance was effected, and this was the prisoner's only chance. The young counsellor was anxious to display his familiarity with criminal pleading, and sought to gain the judge's attention.

"I merely wish to address your Lordship on the form of the indictment, if your Lordship pleases," persisted the young barrister.

"I'll hear you with mighty great pleasure, sir; but I'll be afther taking the verdict of the jury first," replied the caustic old judge.

The jury acquitted the prisoner, so the young advocate had to keep his learning for another occasion.

A prisoner, an old offender, was tried before him at Ennis, on the last day of the Assizes for County Clare. He was charged with robbing on the highway, effected with considerable violence. To the surprise of his Lordship, who considered the case clearly proved, the verdict was, "Not guilty." The judge, determined to let the jury know what he thought of their decision, turning to the Crown Solicitor, inquired,—

"Is there any other indictment against this *innocent* man."

"No, my Lord."

"Then tell the gaoler not to let him loose till I get *half an hour's start* of him, for I'd rather not *meet him on the road.*"

A tenant, having sustained loss by the conduct of his lessor, sued him in an action for breach of covenant. When pronouncing judgment, the Chief Baron said, "The plaintiff had entered into possession with a qualified covenant, and should bear the loss non-payment of rent had often occasioned. Solomon was a wise man, and Samson a strong man; but neither could pay rent if they had not the money."

The Chief Baron, as we have mentioned, continued to preside on the Exchequer Bench until 1831, when he retired, and was created Viscount Guillamore.

On the 10th of June of that year, 1831, while residing in St. Stephen Green, Dublin, he had an attack of paralysis, which affected his speech and hand. He was, however, not deprived wholly of reason, and attended to his private affairs until August, when he left Dublin for his seat, Rockbarton, near Limerick, where he died on the 20th April, 1840, in his seventy-third year.

#### CHIEF JUSTICE DOHERTY.

JOHN DOHERTY, Lord Chief Justice of the Court of Common Pleas, was a singularly handsome man. He had more the air and deportment of a heavy dragoon, than a member of a learned profession. My friend, the late Daniel Owen Madden, thus accurately describes his appearance :—"Mr. Doherty was a gallant, dashing, handsome Irish gentleman; remarkably tall in stature, and in his carriage resembling a lively colonel of cavalry much more than a practising barrister. He had an animated countenance, in which, with all its smiling

warmth, there was a subdued fierceness, expressive intrepidity and energy.”<sup>2</sup>

He was a relative of the celebrated George Canning, and was considered very like that statesman, With such personal and political recommendations, when elected member of Parliament for Kilkenny, he soon became a popular member of the British Senate.

He possessed much ready wit, and a few of his *bon mots* are worth recording. At one of the viceregal balls a brother judge, having imbibed somewhat too much of the juice of the grape, was not very steady on his legs. Next morning the Chief Justice was asked,—

“Is it true, Judge —— danced at the Castle ball last night?”

“Well,” replied Doherty, “I certainly can say I saw him *in a reel*.”

One of the officers of the Court of Common Pleas had a remarkable face. It was as nearly shaped like a hatchet as was consistent with the usual features, but the nose had a sharpness of outline that was strikingly apparent.

One rough March day the Chief Justice was alighting from his carriage at the entrance to the Four Courts, as this official came puffing and blowing, from the effects of the gale. “You seem quite out of breath,” said the Chief Justice, as he shook hands with his official.

“Yes,” replied the other, “as I came along the Quays the wind was cutting my face.”

<sup>2</sup> “Ireland and its Rulers since 1829.”

"Upon my word," gravely replied the Chief Justice, "I think *the wind had the worst of it.*"

Observing a lady with a dress so low in the bosom as to excite remark, the Chief Justice, on being asked, "Did you ever see the like of that before," promptly replied, "*Never since I was weaned.*"

Chief Justice John Doherty was a native of Tipperary, and called to the Bar in 1808. He had considerable practice on the Leinster Circuit, and was one of the Commissioners of National Education. When Lord Anglesey sought to govern Ireland by selecting his officials from rival camps, he thought he was appointing a Whig Solicitor-General in putting Mr. Doherty in that station, as a balance against the Tory Attorney-General, Mr. Joy, but he never made a greater mistake. Doherty was opposed to Liberal men and measures, and never forgave O'Connell for the victory O'Connell gained over him at the Cork Special Commission in 1829. This was when trying the men charged with the famous Doneraile Conspiracy. A number of the peasantry of the County of Cork were sent to gaol for trial. They were informed against by spies who swore those men had conspired to assassinate three Doneraile magistrates, Admiral Evans, J.P., Mr. Creagh, J.P., and George Bond Low, J.P. The Special Commission was directed to Baron Pennefather and Judge Torrans, and Doherty, then Solicitor-General, was sent to conduct the prosecution. He made a most powerful speech in opening the case, and the four men first tried, and defended by Messrs. McCarthy and Pigot, were found guilty and sentenced to be hanged. A man named William Bourke rode off from Cork to



Darrynane Abbey, to fetch O'Connell, a distance of ninety miles, on his horse, and having obtained O'Connell's consent to attend and defend the remainder of the prisoners, started and reached Cork on Monday morning, while Doherty was stating the case against the men next on trial. He had not concluded before O'Connell arrived, having travelled all night, and, during the remainder of the sitting of the Court O'Connell succeeded in every instance, and the jury either acquitted or disagreed. O'Connell brought Doherty's conduct before the House of Commons, but here the tables were turned, and Doherty obtained as signal a triumph over O'Connell, as, in Cork, O'Connell obtained over him.

Mr. Doherty continued Solicitor-General until December, 1830, when Lord Plunket was raised from being Chief Justice of the Common Pleas to the rank of Lord Chancellor. Then the vacant seat on the bench was filled by Mr. Doherty. He had no very high fame as a judge, but his courtesy and patience made him greatly esteemed. He married Miss Wall, of Coolnamuck, and it is said was desirous of a peerage, and would have preferred a seat in the House of Lords to the chief seat in the Irish Common Pleas. He had a chance of realizing a large fortune. It was the days of Railway speculations, when Hudson rose, and reigned the Railway King, and like Hudson, Doherty rose, and like Hudson fell. I have been told the Chief Justice made by railways 80,000*l.*, and by continuing to invest lost, not only all he gained, but, alas! all he possessed. He died in Wales, whither he had gone for change of air, about the year 1846, when he was succeeded in the

Chief Justiceship by the then Attorney-General, J. H. Monahan, an able and distinguished judge.

HARRY DEANE GRADY.

AMONG the most eminent Irish Nisi Prius lawyers of the earlier portion of the present century, was Harry Deane Grady. He was a native of the county of Limerick, and was fitted by nature as well as by profession for the Bar. In stature he was short and stout, with a face indicative of shrewd wit and caustic humour. His voice was loud, and he possessed a robust sort of phraseology which smacked more of the *fortitudo in modis*, than the *suaviter in re*. He had been elected one of the members for Limerick in the Irish House of Commons, and soon became one of the Government's staunch supporters. When remonstrated with on going against the wishes of his constituents who were opposed to the Union, he very resolutely declared his ideas to be strongly in favour of that project, and hinted the Government had made it worth his while to vote for that measure.

"What!" cried his indignant remonstrator, "do you mean to sell your country?"

"Thank God," cried this pure patriot, "that I have a country to sell."

He was very coarse in his expressions, and when reminded that he owed his position to his constituents, he said, "I care nothing for my constituents, I get nothing good from them. Begad if I only shake hands with them they give me the itch."

His bullying, bustling, browbeating manner was of great use in Nisi Prius cases, when rough work was to

be done, and no one at the Bar could perform any sort of bullying better than Harry Deane Grady. His great delight was to encounter a really intelligent, but assumedly, obtuse Irish witness, when a trial of skill would take place, the astute counsel endeavouring to extract much in favour of his client, and the witness resolved to reveal but little. Grady would give the witness his own way at first, pretend to credit his statement, nay, encourage him with such words as "exactly," "just so," and thus leading the witness to suppose he had gained the victory, and triumphed over "the counsellor," but all this time Grady was ingeniously weaving a net in which to ensnare his victim, and having obtained the requisite admissions, suddenly changed his tactics, and obliged the baffled witness to admit his story was a pure invention.

Grady exercised much influence in Court, by what he termed "his jury eye." His right eye was constantly used in winking at the jury when he wished them to note some particular answer from an adverse witness. Appearing in Court one morning in rather depressed spirits, which, for one of his usual joyous temperament was very unusual, a sympathizing friend said,—

"Harry, are you unwell? You are not as lively as usual."

"How can I, my dear fellow," he answered.

"What's the matter with you?"

"My *jury eye* is out of order," was the reply.

But Harry Deane Grady's rough manner was not always successful. O'Connell could be rough when occasion required, but no one could be smoother, or

use the blarney with more tact, when it was the fitter instrument to ensure success. The following anecdote illustrates the difference between these two eminent barristers, in a very complete manner.

Shortly after joining the Munster Circuit, O'Connell was travelling with Harry Deane Grady. They shared in the expense of a chaise, and were posting from Cork to Dublin. Their route lay over the Kilworth mountains, then much frequented by highway robbers. While changing horses in Fermoy, a few miles at the south side of the Kilworth mountains, both gentlemen made the disagreeable discovery that though they had pistols, they had no powder, and their balls, therefore, were useless. While discussing the chance of getting any supply in the town—then a mere collection of huts—very unlike the bustling, prosperous, great military station it is at this moment, when the garrison is commanded by his Royal Highness the Duke of Connaught, where his Excellency the Duke of Marlborough, Lord Lieutenant of Ireland, is renting Carysville, close to the town, at 800*l.* for a few months, to enjoy the amusement of salmon fishing. Where lords and ladies are thick as blackberries; and at present the Roman Catholic Bishop of the diocese of Cloyne, and all the dignitaries of the diocese are assembled for the celebration of the High Mass for the repose of the soul of Pope Pius IX.

While Grady and O'Connell were regretting not having looked to their weapons before leaving Cork, the clatter of horses' hoofs and the martial sound of dragoons, with their long swords, saddles, and bridles attracted their attention.

"Hallo," cried O'Connell, "we're in luck. Here is the escort of the judges, and we may be able to get a supply from them."

"That's very likely," said Grady, as the corporal and four of the privates came from the stable, where they had left their chargers, and tramped as troopers do tramp into the hotel.

"I'll go at once, and see what I can get," said Harry as he passed into the hall. He walked up to the corporal, and in his blunt way, said, "Soldier, will you sell me some powder?"

The corporal stood on his dignity. He eyed his interrogator very superciliously, as he replied, "I do not sell powder, sir."

"Then perhaps you'd tell me where I could get some. Or you might buy it for me!"

"I am here on duty, and, besides, I do not know this place, sir," replied the dragoon.

Grady, somewhat crestfallen, returned to his companion, who overheard what passed through the open door.

"The dragoon is a sulky fellow," he said, "he would neither sell or buy for me!"

"Harry," replied Dan O'Connell, "you offended him by calling him a soldier, when he is a corporal. I'll try my hand." O'Connell then went to the hall, and observed to the dragoon, who was looking rather ruefully at the downpour of rain then falling,—

"This is heavy rain, sergeant. 'Tis too bad, the judges do not get the yeomen or militia to escort them, without requiring the service of the regular troops."

"True enough, sir. It is harrassing duty such weather as this, but duty must be done."

"I hear a bad account of the road before me—these Kilworth mountains are said to harbour robbers. My pistols are useless, for, unfortunately I left Cork without procuring a supply of powder; could you procure me some and you'd oblige me?"

"I shall be most happy to let you have what I hope may suffice for you, sir," replied the corporal, opening his cartouch-box. O'Connell produced his pistols, and the bore exactly corresponded with the cartridges of the dragoon.

"Take half-a-dozen cartridges, sir," said the man, "and I'm glad to be able to oblige you."

"A glass of spirits and water will do you no harm this wet day," said O'Connell, and the dragoon drank his health, ere he resumed the saddle.

"Dan," cried Grady when O'Connell displayed his plentiful store of ammunition, "you'll do—blarney for ever."

The course Harry Deane Grady had taken in supporting the Union, caused him to be much censured by several influential persons in Limerick, who were opposed to that measure. They were resolved to express their disapproval, and having convened a meeting of the Limerick electors, deputed three to wait upon the place-hunting member. They consisted of a Protestant Bishop, suspected of democratic leanings, Dr. Cheyne, an eminent physician, and General Burgoyne, who had served in China. Harry listened very patiently, while they denounced his conduct in very severe terms, accusing him of injuring his country,

deserting his duty, and betraying his constituents. These very serious charges were met by Harry with a bold denial.

"I did none of these crimes, my lord and gentlemen," he said. "I was opposed to the Union at first, but as soon as it was rightly explained to me,<sup>2</sup> I saw it was the greatest boon this country could receive, and I am satisfied my constituents will approve of my vote when I bring the case to their full knowledge."

"No, indeed!" was the response; "they all declare you have betrayed them."

"Nonsense, gentlemen—rank nonsense," cried the indomitable place-man; "you come between me and my constituents, and induce them to condemn me, on the *ipse dixit* of a republican parson, a quack doctor, and a battered old mandarin."

As the deputation felt Harry was getting personal, they bowed and withdrew.

When it suited his purpose to abuse, he spared no one. During a trial at the Limerick Assizes, his first cousin was a witness for the party opposed to his clients, and Harry cross-examined him in a most unsparing and savage way. He did not rest there. When addressing the jury, in alluding to the evidence of this witness, he said, "This case is supported by evidence as disgraceful as ever came before a judge or jury; the plaintiff, not content with the most outrageous statement, supports it by placing this wretched creature on the table, for whom I can find no fitter appellation than his miserable jackall."

<sup>2</sup> He was appointed a Commissioner of Revenue, with 1200*l.* a year.

The gentleman thus publicly vituperated was of very haughty demeanour, and we can well imagine his feelings on being thus held up to public view by his own first cousin.

During the day, after leaving court, he saw Harry in one of the principal streets of Limerick, approaching with outstretched hand. When within a short distance,—

“My dear John,” cried Harry, “I’m heartily glad to see you.”

“I wonder, sir,” replied his cousin coldly, “you dare address me, after the gross insult you inflicted upon me this morning.” He was about passing, when the cool counsel said,—

“Oh, never mind that, John; that’s my trade, you know. I’ll dine with you to-day.”

“If you go to my house, I’ll take care not to dine at home,” was the reply.

“All the better,” responded Harry; “in that case, I shall have Mary (his cousin’s wife) all to myself.”

Harry Dean Grady’s daughters were very lovely, and most accomplished girls, and made brilliant marriages. Indeed, so many Peers were attracted by their fascinations to his residence at Dublin, it was called “The House of Lords.” One daughter became Lady Muskerry, another Lady Masserene, another Lady Roche. He had a beautiful place near Stillorgan, and lived to an old age.



## CHAPTER XVIII.

## NED LYSAGHT.

Called to English and Irish Bars.—Reasons for not practising in England.—Advice to Fox.—*Bon mots*.—Offer to Mr. Latouche.—Meeting bill.—His encouragement to a bachelor.—Lines on the Kerry Riot.—Song, “The Man who led the Van of Irish Volunteers.”—“Kate of Granévilla.”

## LEONARD MACNALLY.

His lameness.—Curran’s *bon mot*.—Macnally’s Plays.—His narrow escape when engaged in a duel.—The Alphabet of the Bar.—Lines on Mr. Ball.—Lysaght’s impromptu on Caulfield.

## JERRY KELLER.

Singular countenance.—The washed bottles.—Lord Avonmore’s patent.—Gravity and levity.—Pope and Pretender.

## WILLIAM WAGGETT.

Recorder of Cork.—His character.—Great ability as an orator.—A litigious attorney.—Waggett refuses an increase in his salary.—Lines pinned to his wig.

## DANIEL RYAN KAM, Q.C.

Recorder of Cork.—Counsel by prescription.—Rent in arrear.

## PROFESSIONAL BON MOTS.

Title *bon mot*.—Lying book.—Precedence.—A teatotal tourist.

PLEASANT Ned Lysaght, as he was popularly termed, was called to the English and Irish bars in 1798. He appears to have intended seeking the more lucrative range of English practice, instead of that of his native

land, but his social habits and mercurial temperament were quite antagonistic to his success in that country.

He was soon made sensible of this. In conversation with a friend upon the subject, he said, "He had not law enough for the King's Bench ; he was not dull enough for the Court of Chancery, and before he could make way at the Old Bailey he should shoot Garrow (who was then the leading counsel for prisoners) which would be very unpleasant."

But, though he was not distinguished at the English Bar for legal lore, he gained fame in the English press for political squibs.

When the coalition between Charles James Fox and Windham was spoken of, Lysaght wrote the following advice to the great Whig statesman :—

"Charley Fox, take advice, and break off in a trice,  
Subserve not to Windham ambition,  
He's not your true friend, though to gain his own end,  
He courts a corrupt coalition.

We honour your name, will you tarnish your fame ?  
With dignity act, and decision,  
Tell Windham and those you were wont to oppose,  
That you scorn the corrupt coalition."

It is a pity one whose jests and *bon mots* used, like Yorick's, to "set the table in a roar," had not left some one to fully record his sallies. I gleaned a few, which serve to show how rich was the ore in the mine.

He met Mr. La Touche, the Dublin banker, and knowing the extreme particularity of this descendant of the Huguenots respecting the character of his bank

officials, startled the staid banker by saying, "When a situation among the officers of the house on Cork-hill was vacant, he, Mr. Lysaght, would be ready to fill it."

"You, my dear Lysaght," said the banker, "what situation in my establishment could possibly suit you?"

"Not only one, but two," replied the wit.

"Pray, what are they?" asked the banker.

"If you make me *cashier* for one day, I'll become *runner* the next," was the wit's reply.

He was usually in monetary difficulties; but, like Sheridan, few were capable of resisting his appeals for loans. Once, when a friend was accommodating him with his name upon a bill-stamp, his friend said, "Now, Lysaght, I hope I may depend upon your meeting this bill."

"Indeed, you may," he replied; "and the *protest* along with it."

When the Munster Circuit met in Limerick, the Bar were usually entertained by a hospitable gentleman, named Flatly, who occupied a handsome suburban residence near Castle Connell.

Lysaght being at one of these parties, where everything was arranged with exquisite taste, said to their host, "I really feel surprised that you are allowed to remain a bachelor, and so near a city celebrated for the beauty of the fair daughters. Why is this?"

The host coloured, and said, "he often wished to change his solitary condition, but could not muster sufficient courage to pop the question."

"I tell you this," said Lysaght, "depend upon it,

if you ask any girl *boldly*, she never will refuse you *Flatly!*”

When the Bar mess were enjoying their post-prandial festivities in Tralee, their jovial banquet was disturbed by a sudden row breaking out in the room beneath. Glasses crashed, furniture was knocked about, loud cries resounded on all sides, when a terrified waiter entered the Bar mess-room. Very soon he was interrogated as to the cause of the tumult in the room beneath, and replied,—

“’Tis the Kerry Grand Jury is having a fight afther dinner.”

When silence once more prevailed, Lysaght, who had been writing with a pencil during the hubbub, read the following impromptu :—

“ Here we sit, like merry lads,  
Laughing at all silly asses,  
While below the Kerry cads  
Are breaking their heads and glasses.

Who cares for their bluster and riot,  
No matter who’s right, or who’s wrong,  
While we sip our claret in quiet,  
Mr. Lyne, come and finish your song.”

Besides these fleeting verses, Lysaght wrote several songs, which have had more enduring form. One was in praise of Henry Grattan, “the Man who led the Van of Irish Volunteers.” Some verses may serve as a specimen :—

“ Just thirty years are ending since first his glorious aid,  
Our sacred rights defending, struck shackles from our trade,

To serve us still with might and skill, the vet'ran now appears—

That gallant man, who led the Van of Irish Volunteers.

He sows no vile dissensions,—good will to all he bears,  
He knows no vain pretensions,—no paltry fears or cares;  
To Erin and to Britain's sons his worth his name endears,  
They love the man who led the Van of Irish Volunteers."

His ballads of the Rakes of Mallow, and his Donnybrook Fair, were good specimens of his rollicking style, and it is not easy to imagine how the author of these humorous compositions could possess the refined taste which is displayed in his song—Kate of Garnevilla,—

"Oh, she's pure as virgin snows,  
Ere they light on woodland hillow,  
Sweet as dew-drop on wild rose,  
Is lovely Kate of Garnevilla.  
Philomel, I've listen'd oft  
To thy lay on weeping willow,  
But the strain's more sweet, more soft,  
That flows from Kate of Garnevilla.  
If poet's prayers can banish cares,  
No cares shall come to Garnevilla.  
Joy's bright rays shall gild her days,  
And dove-like peace perch on her pillow.  
Charming maid of Garnevilla,  
Lovely maid of Garnevilla,  
Beauty—grace—and virtue wait  
On lovely Kate of Garnevilla."

LEONARD MACNALLY.

AMONG the contemporaries and friends of Ned Ly-saght, was Leonard Macnally, a member of the Irish

Bar. He had considerable literary as well as legal ability, and published some dramatic and legal works. Macnally's "Justice of the Peace" had great success at a time when few legal works were published in Ireland. He was employed very much in defending prisoners, and was what is popularly called a good "dock lawyer." He lived on terms of great intimacy with John Philpot Curran, and both were usually Counsel for the prisoners during the State trials arising out of the Rebellion of 1798. The testimony of our eminent Irish authors, Dr. R. R. Madden, and W. J. FitzPatrick, have clearly shown that, while thus acting for the prisoners, Macnally was actually receiving a pension from the Irish Government, for secret service, which pension was kept secret until after his death, and no one exactly knows now for what special service it was granted.

Macnally walked with a limp, one leg being shorter than the other. When the barristers were enrolling their names in the Volunteer corps, Macnally asked Curran "if he should give in his name to join."

"If you enlist," said Curran, "you will shortly be tried, and perhaps shot for disobedience of orders."

"Why?" asked Macnally rather indignantly.

"Because when ordered to *march* you will certainly *halt*," was the reply.

Parsons, also a barrister, who was lame, limping up to Curran, asked the wit, "Did you see Macnally going *this way*?"

"I never saw him going *any other way*," was the ready rejoinder.

Macnally was a man of varied talent. He wrote

several comedies, farces, and operas, all of which, with the exception of "Robin Hood," were remorselessly damned. Being admonished by Lord Loughborough, "to abandon the Muses and stick to the Law," he gave up the idea of succeeding as a playwright, and henceforth devoted himself to his professional duties. He also fought duels, and was nearly shot by Sir Jonah Barrington, whose ball was fortunately arrested by the buckle of Macnally's suspenders. He fell to the ground exclaiming, "I'm hit!" The surgeon in attendance, on examination, found he was more frightened than hurt. Then, discovering the cause of his patient's providential escape, exclaimed, "By Jove, Mac, you are the only rogue I ever knew *saved by the gallows.*"<sup>2</sup>

Macnally wrote a poem called the "Alphabet of the Bar." I failed to obtain more than a couplet:—

"L stands for Lysaght who loves a good joke,  
M for Macnally, who lives by the rope."

Alluding to his criminal practice.

Another specimen of Macnally's poetic talent was composed under the following circumstances:—

One of his brethren on the Home Circuit was Mr. Charles Ball, a strong-limbed, loud-voiced, hirsute barrister. Holding a brief on the side opposed to Macnally, Mr. Ball was frequently interrupted by that zealous advocate; and, wearied out, he said, "Mr. Macnally, if you have any serious, well-founded objection to make, pray let me hear it, otherwise do not interrupt me. I'm like St. Paul, fighting with the air."

<sup>2</sup> A common term in Ireland for suspenders.

Macnally contemplated his long-haired opponent for a moment, and thus replied :—

“ Says Charley Ball,  
I’m like St. Paul,  
A fighting with the air.  
Says Mac to Ball,  
You’re not like Paul,  
But, Ball, you’re like a bear.”

Lysaght, as we have already seen, was a noted wit. He, too, could extemporise, and was often in the habit of composing a rhyme to include all the guests at a party, as, in later days, Theodore Hook would do so well. Macnally asked Lysaght to compose some lines upon him, promising absolution for all sins of personality therein contained. On this assurance Lysaght recited the following :—

“ There is a lawyer in our hall  
Who dearly loves his brief,  
He likes his fee, though large or small,  
He’ll take it from a thief.  
  
One leg is short which makes him lame,  
Therefore his legs don’t tally ;  
And now, my friends, to tell his name,  
’Tis Leonard Macnally.”

Lysaght very early in life displayed this talent for impromptu verse. When he was a student of Trinity College, Dublin, the fellow-commoners considered themselves superior in position to the pensioners, and declined to play foot-ball with them. A pensioner named Caulfield, who wished to keep aloof from the pensioners, and hang on to the more aristocratic set,



rarely condescended to play foot-ball. One luckless evening he did so, and several of his fellow-students resolved to pay him off for his conduct. He was soon tripped and hustled about, greatly to the annoyance of this exclusive. Lysaght thereupon wrote the following lines, a copy of which was sent to each student :—

“ Dear Caulfield, play football no more, I entreat,  
The amusement’s too vulgar, fatiguing, and rough,  
Pursue the same conduct you’ve follow’d of late,  
And I warrant, ere long, you’ll get *kicking enough*.”

This very pungent epigram roused the ire of Caulfield and his friends. They did their best to discover the author, and offered a considerable reward with that object. Lysaght then came forward and boldly stated, “that if the amount promised for the discovery of the anonymous author was given in charity, he would disclose who wrote the epigram.” This was agreed to. He then affirmed the lines were written by himself. Some blustering took place, but as he declared himself ready to afford the satisfaction usual in such cases, and as he came of a fighting family, the affair, in parliamentary parlance, was speedily allowed to drop.

Another *bon mot* of Ned Lysaght, was with reference to a fair lady, who, not finding the object of her affections where she sought him, took advantage of a carriage going back to town to cheapen her journey.

“ Oh,” observed the wit, “how blest the love that meets *return*.”

He died greatly regretted in 1811.

## JERRY KELLER.

A GOOD many *bon mots* are related of Jeremiah, or, as he was commonly called "Jerry Keller," a barrister who held a foremost place in the social circle of Dublin. He had a singular twist of countenance, which, of itself provoked mirth, and his powers of drollery were admirable. I give some of his *bon mots* :—

"A cousin of his, a wine merchant, supplied the cellars of the Bar mess, and a supercilious junior thought to raise a laugh at the expense of Jerry Keller. At the Bar mess-table the young barrister, addressing Keller, said, "It is very odd, Mr. Keller, that I have noticed the claret bottles growing smaller and smaller each Assizes, since your cousin became our wine-merchant, though, I dare say, there is no reduction in the price."

"Whist," said Jerry, "don't you be talking of what you know nothing about. Of course 'tis natural the bottles should be growing smaller, because we all know *they shrink in the washing.*"

The shout of laughter extinguished the luckless junior.

When Barry Yelverton, who had been a popular politician, was advanced in the peerage for voting for the Union, he invited some friends, among them was Keller, to read his patent. It recited in the usual formula, "George, of the United Kingdom of Great Britain and Ireland," &c.

"Stay," said Keller, "is not that erroneous?"

"In what way?" asked the newly made Viscount.

"Does not your lordship observe," exclaimed the wit, "the *consideration* comes too early in the *deed*?"

Although Keller was a very excellent lawyer, he did not succeed in gaining any of the emoluments of office, or even very high standing at the Bar. It is related of him, that he was perfectly conscious his reputation for drollery militated against his preferment. When a dull member of the legal profession was promoted to a seat in the King's Bench, in 1817, Keller went to see the newly appointed Judge, and exclaimed, with a sigh,—

"Ah! Mayne, there you sit. *Gravity* raised you *up* there, while *levity* keeps me *down* here."

A young barrister, named Norcott, seeing Keller eating fish on Friday, said, "Keller, I did not expect to see the Pope in your stomach."

"If I have the *Pope in my stomach*," replied Keller, "you have the *Pretender in your head*."

#### WILLIAM WAGGETT.

WILLIAM WAGGETT, Recorder of Cork, was a man of great talent. He was an admirable lawyer, and very eloquent. The following instance of his powers of oratory occurred during an Assize in Limerick. The plaintiff's attorney was a litigious practitioner, whose great delight was to promote litigation, *per fas aut nefas*, and, perhaps, Waggett's instructions were those said to have been briefed to a counsel in a case which had no legitimate defence, "abuse the plaintiff's attorney." Be this as it may, Waggett did so un-

sparingly. No sooner had the counsel for the plaintiff informed the Judge he had closed, than Waggett rose, and labouring under strong emotion, stood silent for a brief space. Then, instead of the usual opening of "My lord and gentlemen of the jury," he said in a loud resonant voice, "'Long live the Sultan Haroun,' said the owl, in the Arabian tale." The audience in the County Limerick Court-House were lost in wonder at this strange opening. All awaited with curiosity what would follow. Waggett resumed, "'Long live the Sultan Haroun,' said the owl. 'While he lives we'll have ruined palaces, and roofless cottages to roost in. Widows shall bewail their husbands, and orphans weep for their murdered parents. While he lives there shall be gloom upon the land, and the light of day shall shine upon desolation. Long live the Sultan Haroun,' continued the owl, in order that birds of ill-omen may brood over congenial gloom, and long live Charley Carroll," cried Waggett, pointing with uplifted hand towards the plaintiff's attorney. "'Long live Charley Carroll,' says the Professor of the Law. While he lives clients shall be ruined, and litigation shall fill the courts with half-ruined suitors; while he lives there shall be endless contention amongst neighbours, and friends shall be made to hate each other. The father shall quarrel with the son, and brother shall turn against sister." He then continued in the same strain to denounce the attorney with invective till he left the court. Waggett was a man of singular modesty, and when the Corporation of Cork nearly doubled his salary as Recorder, in consequence of his devoting all his time to the duties, he refused to accept a penny in

addition to the salary at which he undertook to discharge the duties of the Recordership.

He became, latterly, very eccentric in appearance and conduct, dressing most shabbily, and caring nothing for society. During his life, he was a most devoted fisherman, and might be seen, when not presiding in the Recorder's Court, whipping the river Lee with rod and line. He had very considerable practice as a pleader, and, like Jonathan Henn, would have reached high rank at the Bar, but his want of ambition, and contentment with his lot as Recorder of Cork, kept him away from the arena, where others, less skillful gained the prizes.

That his great and varied talents were recognized and appreciated by the professional gentlemen of Cork was apparent from the respect paid him while living, and in which his memory is still held. To this day he is mentioned as a model lawyer, of whom the city may be justly proud.

The following poem, supposed to be composed by a brother barrister, who succeeded him in the office of Recorder, the late Henry Bennett, Esq., was found pinned to the Bar-wig of Mr. Waggett :—

“ Sometimes beneath this legal sign  
Is placed a head of curious mould;  
With noble thought and genius fine,  
Oft swayed by passions uncontroll'd.

A brain with law and justice fill'd,  
Estranged from every selfish view;  
And in that temper'd mercy skill'd,  
Which gives the guilty wretch his due.

For, with a true Shandean start,  
He flings all gravity aside,  
And bids the feeling of the heart  
O'er law's harsh quibbling to preside.

Still, ne'er beneath a Judge's wig  
Did fate intend that such a brain  
Should through law's rubbish daily dig,  
Its mouldy precepts to explain.

For better purposes design'd—  
With lofty soul and prouder aim ;  
The bent of such a noble mind  
Should be the highest point of fame.

But here 'tis useless to repine—  
Of such the instance is not rare :  
With flowers which should with splendour shine,  
To waste their sweets on desert air."

He died at an advanced age.

Daniel Ryan Kane, Q.C., the present Recorder of Cork, has uttered some good *bon mots*. Once, when an insurance case was being tried, a brief was sent to a young barrister whose father, a medical practitioner, was an important witness in the case.

"Who is he?" inquired a member of the bar, of Mr. Kane, "is he a special counsel?"

"No!" replied Kane, "he's counsel by *prescription*."

In appearance Mr. Kane is large and stoutly built, "more like a *cudgel* than a *cane*," as a witty barrister, remarked, but he is a right social pleasant companion. Many of the *bon mots* recorded in these pages are the

result of his well-stored memory, and at his own hospitable board I enjoyed many pleasant reunions with the Irish Bar.

Walking with him one day, we met a mutual friend whose coat was much torn near the breast. Kane at once cried out, "Rents are enormous."

"Well," replied the wearer of the coat, "you cannot say it is *Rent in arrear*."

There is no more estimable member of the Irish Bar than Mr. Kane. His judicial qualities are of the highest order. He is a sound lawyer, and his great experience of the Quarter Sessions Courts enables him to dispose of the cases, whether civil bill or at the Crown side, with ability and despatch. He has the assistance of very able and honourable practitioners, both of the Bar and Attorney branches, and his new duties of Recorder of Cork are discharged in a manner to show him a worthy successor of William Waggett and the late Thomas Forsayth, and higher praise I could not give. I wish I could impart to the many anecdotes he enabled me to give in these pages, his pleasant voice and mirth-compelling smile.

#### PROFESSIONAL BON MOTS.

Some *bon mots* may not be very intelligible save to members of the legal profession. Such are the following:—When the coach on which, and in which, as many of the Munster Bar as could find room was proceeding on Circuit from Killarney to Cork it threatened to topple over. The coachman pulled up in order to arrange the luggage in better form. "Here, Bill,"

he said, addressing the guard, "take a good purchase<sup>2</sup> on this strap."

"If you don't secure it by *purchase*," exclaimed Mr. Lane, Q.C., "you'll have it by *descent*."<sup>3</sup>

A legal *bon mot* of one of the Judges should not be omitted. A Mr. Grant, who, in early life, had been a servant, published some works containing alleged mis-statements in reference to individuals. One of these complained to the Judge, saying, "there was no truth in these statements."

"Well, take comfort," replied the Judge, "you see this man used formerly to *lie in livery*, and now he *lies in Grant*."<sup>4</sup> A very able barrister, named Collins, had the reputation of occasionally involving his adversary in a legal net, and, by his superior subtlety, gaining his cause. On appearing in court in a case with the eminent barrister, Mr. Pigot, Q.C., there arose a question as to who should be leader, Mr. Collins being the senior in standing at the bar, Mr. Pigot being one of the Queen's Counsel.

"I yield," said Mr. Collins, "my friend *holds the honours*."

<sup>2</sup> An epithet importing a secure hold.

<sup>3</sup> Those of our readers familiar with legal terms need not be informed of the significance of these words. To the uninitiated we may say that lands or tenements which come to a man from his ancestors, are said to be his by *Descent*, otherwise by *Purchase*.

<sup>4</sup> The distinction between what lies in *livery* and what lies in *grant*, is this: *livery*, a contraction of delivery, is the giving corporal possession to one entitled to it; *grant* means a gift in writing of what cannot be conveyed by word only.



"Faith if he does, Stephen," observed Mr. Herrick, "'tis you have *all the tricks*."

When Judge Crampton, a very steadfast total abstainer, was on a vacation ramble in Germany, some one inquired of Chief Justice Bushe, "what Judge Crampton was doing in Germany."

"Merely," replied the witty Chief Justice "making a *traverse absque hoc*.<sup>5</sup>

<sup>5</sup> A process in special pleading. The pun, of course, being on the word hoc(k).

## CHAPTER XIX.

## THE HENN FAMILY.

Henry Hene, Chief Baron in 1679.—William Henn, a Judge of the King's Bench in 1767.—Resigned in 1790.—His son William a Master in Chancery.—The eldest son of Master Henn, also named William, a Master in Chancery, called to the Bar in 1808.—His character.—His death in 1857 very sudden.—Jonathan Henn, Q.C.—His great ability.—His eloquence.—His marked superiority over the other leaders of the Circuit.—His short speeches.—Fondness for fishing.—At school near Lucan.—College career.—Eton grammar.—Called to the Bar in 1811.—Slow progress at the Bar.—Joined the Connaught Circuit.—Refuses to get out of bed, and loses a brief.—Exchanged to the Munster Circuit in 1822.—Obtained great practice.—My estimate of his professional skill.—Solved a riddle.—A crying client.—Allusion to the Right Hon. F. Blackburn.—Retained by O'Connell during the state trials of 1843.—Was counsel for the Crown on the trial of John Mitchel.—Eloquent speech of Robert Holmes for the defence.—Henn's reply.—*Bon mots*.—His judicial style.—Death in 1874.—Thomas Rice Henn, Q.C., County Court Judge.

SOME families adopt special callings as a sort of hereditary preference. Thus we find, for generations, some devoting their sons chiefly to the Church, or the medical profession, the army, or navy, or the law. To this latter avocation the family of Henn, of Paradise, in the County of Clare, have given many most distinguished members.

The earliest legal scion of this house I can trace was Henry Hene (as the name was then written). His patent as Lord Chief Baron of the Court of Exchequer in Ireland bears date the 10th March, 1679. Since the year 1673 he had been one of the puisne barons, with, in 1676, a grant of a Justiceship of the Court of Common Pleas.<sup>1</sup>

On the accession of James II. a number of changes took place on the Irish Bench, and, in 1687, Chief Baron Hene was removed, and replaced by a very eminent Irish lawyer, Sir Stephen Rice, who was appointed Lord Chief Baron. This station, however, he was only allowed to retain for three years, for, on the accession of William and Mary, he, in turn, was displaced in favour of Sir John Hely.

A descendant of Chief Baron Hene, William Henn, was appointed one of the Judges of the King's Bench of Ireland on August 1st, 1767. Some amusing anecdotes are related of him by Sir Jonah Barrington, but not being very authentic are not worth transcribing. He resigned his seat on the bench in 1790, and his son, also named William Henn, became a Master in Chancery. This office was afterwards conferred upon the son of Master Henn, William the third, upon the death of his father in 1822. This last-named William was maternally descended from the Lovetts of Lipscombe Park, Buckinghamshire, his mother being sister of Sir Jackson Lovett, Bart.

Two sons of this marriage became very eminent at the Irish Bar, William and Jonathan. William, the

<sup>1</sup> Smyth's "Law Officers of Ireland."

elder, was called to the Bar in 1808. He went the Munster Circuit, and continued to practise until appointed, as I have stated, Master in Chancery, and elected a Bencher of the King's Inn in 1822. He was well qualified for his judicial station. He discharged its very important duties with marked ability and unremitting attention. Always courteous in manner, patient and kind in conduct, he earned and retained to the last, the esteem of both branches of the profession and the confidence of the public. He continued in office until his death, which was very sudden. On Saturday, 7th of March, 1857, he sat and transacted business as usual. He entertained a party of friends at dinner on that day, and retired to rest about twelve o'clock. Early on Sunday morning he complained of difficulty in breathing, and his medical adviser, Dr. Smyley, was sent for. Remedies were tried ineffectually, for the malady increased, and during the day the patient grew worse. Towards evening he was speechless, and sank so rapidly that by midnight Master Henn was no more. He had reached his seventy-third year of active, useful life.

JONATHAN HENN, Q.C.

His brother Jonathan's career was even yet more distinguished, and, though he never attained very exalted rank in his profession, every one admitted this was entirely owing to himself. The highest prize in the legal lottery was his, but he would not draw it forth. As a lawyer he stood in the foremost place. He had mastered all the great principles of British law almost intuitively, for, as long as I knew him, he certainly

was constitutionally averse to drudgery. He did not care for practice if it involved much labour. His voice was harmonious and well modulated. No harsh or discordant tones marred the effect of his speeches, and what noble speeches they were ! On occasions of more than usual importance, such as in actions for libel, breach of promise of marriage, assault, &c., his passions were stirred and his energies aroused. Where character was to be shielded or vice rebuked or feelings to be enlisted in the cause of his client, he showed the vast superiority of his genius and excellence over all his brethren at the Bar. We had many able men on our Munster Circuit at the time to which I refer—Sergeant Jackson, David R. Pigot, Q.C., Stephen Collins, Q.C., George Bennett, Q.C., Harry Cooper, Q.C.—but Jonathan Henn soared above them all, as an eagle over crows. He was a very giant, while they were so many pigmies when compared with him. Jonathan Henn, when addressing the Court or jury, was brief and terse. What he had to say to the Court was put in the shortest and most lucid form. When he addressed the jury, he did so in the clearest and most forcible light. He never talked for talking sake ; when he stated his case, he sat down.

Jonathan was a most zealous disciple of Isaak Walton, and enjoyed the sport of fishing with the greatest zest. I have been informed by his nephew, Mr. Richard Griffith, of Millicent, County Cork, that his uncle was for some time at the school of the Rev. Gilbert Austin at Lucan, near the river Liffey, and there he imbibed his taste for fishing, which never deserted him throughout his life. The late Duke of

Leinster, Lord William Fitzgerald, and the late Judge Crampton, were pupils of the Rev. Mr. Austin, but not cotemporaries of Jonathan Henn. Crampton was subsequently Fellow of Trinity College, Dublin, and some schoolboy rhymes inform us where he received his education :—

“Come, let us sing of Crampton Phil,  
He went to school to Austin Gil.”

Though Jonathan Henn went through Trinity College, Dublin, I have not been able to discover that he distinguished himself there in any remarkable way. His nephew, Mr. Griffith, informed me :—“When in college, instead of reading for honours, Henn spent his time chiefly in reading Shakespeare, but, notwithstanding this, carried off several premiums, though he had not obtained a high place at entrance.”

His nephew also mentions that—“Having asked Jonathan some question of Latin Grammar, which my uncle was not sure about, he said, ‘He had studied the *Eton* grammar, and *eaten* grammar was soon forgotten.’”

His progress at the Bar was slow. He was called in Trinity Term, 1811, and during the first ten years he did not, he said, “make as much as would powder his wig, and he paid his circuit expenses by whist playing,” of which he was very fond. As his brother William had joined the Munster, Jonathan selected the Connaught Circuit. Perhaps no greater proof can be given of the strange freaks of fortune at the Bar, than the fact that circuit after circuit dragged its weary round without Jonathan Henn’s masterly skill as

an orator and advocate having been discovered. There is, indeed, an anecdote related that possibly may be true. A Galway attorney went to his lodgings early one morning with a brief. The servant showed the attorney to Mr. Henn's sitting-room, adjoining his bedroom, but Mr. Henn had not left his bed. In fact he had to be roused from a deep sleep to be told an attorney wished to see him. Thinking it a practical joke, played by one of the wags of the Connaught Circuit, Mr. Henn declined to get up, and when the servant said, "The attorney wanted particularly to see the counsellor," Mr. Henn petulantly told her, "Tell the Attorney to go and be d——d, and take his brief to the d——l." The attorney left in a huff, and, if he did not follow the drowsy counsel's directions, he took the brief to some more amenable barrister, and so Jonathan lost a chance on the Connaught Circuit. When his elder brother William became Master in Chancery, in 1824, Jonathan exchanged the Connaught for the Munster Circuit. It was a fortunate change for him. Whether the ability and courteous manners of Mr. William Henn induced the attorneys of Munster to place confidence in brother Jonathan, I cannot say; but he soon obtained considerable practice, and never was a more gifted advocate employed. I had abundant opportunities, during a period of twelve years, of estimating his great legal attainments, and can safely affirm that a more able and eloquent advocate I never heard.

Some one in the presence of Jonathan Henn proposed the riddle, "Why should the captain of a ship never be at a loss for an egg?" The riddle was a new one to all present, and Henn was the only person who solved it.

"Because he can always lay-to" (lay two). He was asked, "How came you, Jonathan, to guess that?" To which he promptly replied, "Who had a better right to guess it than a *Hen*?"

Jonathan Henn was counsel for a Mr. Leader, of the County Cork, and portrayed the injury his client suffered in such pathetic words as caused the plaintiff to shed tears. On being asked "what had occurred to make him cry?" "Oh," he said, "though I knew I was wronged, I did not know to what extent I was injured until Mr. Henn stated my case."

In the case of *Mr. Butt v. Mr. Jackson*, Mr. Henn, Q.C., was counsel for the defendant, who had sent Mr. Butt a hostile message, and Mr. Henn's address to the Court of Queen's Bench was so admirable that, when he concluded, a burst of applause rang through the court. Mr. Brereton, Q.C., brother-in-law of the defendant, turning to Mr. Griffith, said, "I had rather Jackson had gone to gaol for a year, than that Jonathan Henn had not delivered that noble speech." I remember when Mr. Blackburne (late Attorney-General; afterwards Lord Justice, and twice Lord Chancellor) attended as special counsel during the Cork Assizes. Mr. Henn, who was counsel on the other side, thus commenced his speech to the jury, "Little, gentlemen, can my poor client compete with the galaxy of talent arrayed against him on the other side, including, if a theatrical phrase might be indulged in, a star of the first magnitude, or rather, I might say (the Ministry had just resigned), a *comet which had lost its tail*." (Laughter.)

When Blackburne returned to Dublin he said, "He



was sent down to Cork to be laughed at by Jonathan Henn." When the Government prosecutions of 1843 were in preparation, O'Connell was so impressed with the importance of securing Jonathan Henn's advocacy before any other counsel, that he at once requested he should be retained for the defence. The traversers were very near being deprived of his services, for the Government, fully aware of his value, were at first inclined to refuse granting him the licence which, as one of her Majesty's Counsel, was necessary should be granted, but ultimately yielded. His address to the jury on this occasion, which I heard, was fully equal to his greatest efforts.

The Government were not again late with their retainer. When John Mitchel was tried, Mr. Henn was arrayed for the Crown, and replied to the masterly and singularly eloquent address made on behalf of the traverser by the veteran leader of the Bar, Robert Holmes. The powerful speech of Mr. Holmes on that occasion afforded me the best and only means of judging how very excellent must have been the speeches of the old Irish Bar. Butt described Mr. Henn's speech on that occasion as a model speech for a Crown prosecutor—powerful, calm, and dignified—and when he ceased Sir Colman O'Loughlen, who was also one of the counsel for Mitchel, could not repress his admiration for his co-circuiter, but clapping Jonathan on the back, exclaimed, "Munster for ever!"

It was Henn's speech which effectually brought back the minds of the jury upon that trial. They were completely carried away by the impetuous lava stream of burning eloquence from Mr. Holmes. Had not Mr.

Henn reasoned with them, they had brought in Mitchel "Not guilty." In fact they thought it mere waste of time to address them, as their minds were so made up. They were impatient of delay, but when they heard the calm and judicial accents of Jonathan Henn, gradually, and almost imperceptibly, the attention of each grew more and more fixed, and finally was entirely changed by his profound statement of the law and the breach of it on the part of the accused. Greatly to the disgust of the disaffected party in Ireland, the jury found the prisoner guilty; and, in reference to the charge of the learned judge, and the speech for the prosecution, the wags said, "Judge Moore *spoke* to evidence, but Jonathan Henn *charged the jury*."

He made many puns on his name. When late in life he was asked "if he took much walking exercise?"

"I did formerly," he replied, "but now I am chiefly a *sitting hen*."

Having missed him from our Circuit, when next we met in the Four Courts, in Dublin, I said, "Why were you not with us at the last Assizes?"

"Because," he replied, "I had to attend my Sessions in Donegal, and you see I could not be in two places at once, *although I am a bird*."

I could not fail to mark his great superiority to those of his cotemporaries with whom I was acquainted. His reasoning powers were of the highest order, and brought forward with wonderful tact and skill. No weak or untenable points appeared, all was compact and methodically arranged. He grappled boldly with the case of his adversary. There was no skirmishing, no cutting off in detail. It was a treat to me to watch him conduct

a case; the cool and gentlemanly bearing impressed juries in his favour before he uttered a word, and when he spoke it seemed impossible to imagine he could be counsel on the wrong side. There was a dignified calmness about him when stating his client's case, he put forth his claim with such force and clearness, and with such apparent conscientiousness as if it was impossible for a jury to find otherwise than for him. And when he came to describe the injustice of his adversary, then his fine figure seemed to dilate, and the majestic tones of the orator glowed with indignation. His full, rich voice, was always well attuned to the subject, and always commanded respect and attention. Having retired from practice at the imperative demand of age, he continued to reside at his house in Merrion Place, Dublin, until his death in 1874.

A son of Master Henn, and nephew of Jonathan, Thomas Rice Henn, Q.C., is now County Court Judge of Galway, and worthily represents the personal and professional fame of the Henn family.

## CHAPTER XX.

## O'CONNELL.

Native of Kerry.—Born in 1775.—Educated in France.—Called to the Bar in 1798.—His success on the Munster Circuit.—Compliment paid him by the late T. B. C. Smith.—Versatility of his powers.—Compared with other famous lawyers.—Articles for a race.—Race won by Rev. Mr. Dennis.—*Bon mot* of Professor Barry.—Acquittal of Lucy the Whiteboy.—Hogan's hat.—A pugnacious attorney.—How O'Connell scalped a client.—Retort on Mr. Scriven.—The Cap of Good Humour.—A bad indictment.—A grateful cattle-stealer.—A philological triumph.—The mill-stream.—The ancient coins.—Colloquial encounter with Biddy Moriarty.—The Clare Election.—Comparison with West.—The sweet little cherub.—The Derby dilly.—The three colonels.—Death in 1847.

A GREAT many *bon mots*—good, bad, and indifferent, are ascribed to Dan O'Connell. He was, as all the world knows, a native of the County of Kerry, born near the coast on the 6th August, 1775. Denied Catholic University training by the Penal Laws, he was sent abroad for his education, which he received chiefly at St. Omer's, in France.

O'Connell was called to the Irish Bar in 1798, and rapidly obtained practice. D. O. Madden describes his professional character with great acuteness and correctness.<sup>1</sup>

<sup>1</sup> "Ireland and its Rulers since 1829," p. 19.

"He went the Munster Circuit, which, in those days, was thronged by men of great professional ability. But O'Connell ranked first amongst the first. His qualities as a professional man have, perhaps, never been sufficiently noticed.<sup>2</sup> Cautious in conducting a case was his most prominent characteristic. He affected to be careless, but a more wary advocate never stood in a Court of Justice. Perhaps no great advocate ever had the same relish for the legal profession. O'Connell hunted down a case with the gusto of a Kerry fox-hunter in pursuit of Reynard. He keenly enjoyed baffling the Crown counsel, and bullying the witnesses against some trembling culprit in the dock. In those times counsel for prisoners were not allowed to address the jury;<sup>3</sup> but O'Connell had a great art in putting illegal questions to a witness, and in arguing for their legality, made "*aside*" short interjectional speeches to a jury.

"You see, my Lord, the reason why I put the question was, because, if the witness answered in the affirmative, it would then be a manifest impossibility that my client could have been present at the murder, whereas, on the other hand, if the answer be in the negative, then the credibility of the whole statement of the Crown counsel would be impugned by that very answer; so then, my Lord, the jury would be obliged to acquit my client." He would often worry a judge by pertinacity in shaping questions objected to, and

<sup>2</sup> See "The Bar Life of O'Connell," Mullany, Dublin.

<sup>3</sup> The Prisoner's Counsel Act, 6 and 7 William IV. 67, had not passed until O'Connell ceased to practise.

banter the counsel for the Crown for their ignorance. He would start up and protest he could not have imagined any counsel to propound such law. It was monstrous and unconstitutional. He often assumed a most indignant air. Caught up his bag, and dashed it upon the table, frowned, and, if the case was pressing very hard, and the judge inflexible, appear in a rage, and, protesting "he would not attempt to defend his innocent client in the face of such injustice," fling his brief to his attorney, swagger out of court—then, as if growing cooler, return, mutter a sort of qualified apology to the bench, resume his seat, open his brief again, and, browbeating all adverse witnesses, induce the jury, if they did not actually acquit, to disagree in their verdict.

While accounted the best criminal advocate of his time, he was also in great repute in civil cases. He went almost every circuit in Ireland as special counsel, and, perhaps, the greatest tribute paid to his skill was in a very important cause on the Connaught Circuit, *Rutledge v. Rutledge*, in which property to a large amount was in litigation. The late Master of the Rolls, the Right Hon. T. B. C. Smith, was engaged, as special counsel, on the same side as O'Connell, and several leading barristers of the Connaught Circuit also held briefs. After a consultation, in which the marvellous tact and skill of O'Connell in conducting a case were displayed, Mr. Smith told a friend "we were all like babies in comparison with O'Connell."

Mr. Madden shrewdly remarks,—“He had great knowledge of character, and dissected the motives of a plaintiff or defendant with inimitable skill. His com-

bination of worldly knowledge and professional information—his aptness and ingenuity—his exhaustless supply of humour, his torrents of caustic ridicule, his zeal for his client, and untiring physical energies, rendered him altogether matchless at the Irish Bar.”

Perhaps his greatest quality in a Court of Justice was his oblivion of himself. When addressing a jury, he forgot everything around him, and thought only of bringing off his client victorious. No lust for oratorical display ever tempted him to make a speech dangerous to the party by whom he was retained. In this he showed his earnestness, and Mr. Madden contrasts O'Connell favourably with many of the leading members of the English Bar. Sooner than have made such a speech as Brougham delivered in the case of Ambrose Williams, O'Connell would have thrown up his brief. He was *par excellence* the safest advocate ever intrusted with a case. For the union of great mental powers he stood unrivalled in the history of the legal profession. Curran and Erskine were finer orators, but they were shallower lawyers; Plunket had a more powerful understanding, and was superior to all contemporaries in sustained reasoning power, but he had little of O'Connell's versatility. If Sir Thomas Wilde had pathos and humour, he would be a sort of English O'Connell. Redoubtable as Garrow was at cross-examination, he was inferior to the great Irish advocate in the art of putting a prepared witness off his guard. Besides, Garrow had a set plan for approaching a witness, and seldom made those wonderful guesses at character by which O'Connell gained many a verdict.<sup>4</sup> As an instance of the versatility

<sup>4</sup> “Ireland and her Rulers since 1829,” pt. i. p. 22.

of O'Connell's talents, I may mention that he once drew up articles for a race. This took place at Tralee, in the year 1805, when he was seven years at the Bar. The conditions of the race were these :—"Sixty pounds given by the gentlemen of the law of the County of Kerry, for all horses, mares, and geldings, carrying nine stone, four-mile heats. Horses starting for this race must be *bonâ fide* the property of gentlemen who shall have, prior to the first day of the meeting, actually expended in fair adverse litigation the sum of 200*l*.

"Horses, &c., of all persons who have expended the sum of 1000*l*. allowed 3 lbs. All horses to be qualified upon the honour of an attorney, if required by the Stewards of this meeting.

"As this plate is intended solely for amateurs, no practising professional gentleman will be allowed to start a horse."

The race took place on the Tralee race-course on Thursday, August 29th, 1805.

From the peculiar nature of the conditions few were enabled to compete, and only three contested the race. It was closely struggled for, owing to the equal merits of the horses and the skill of the riders. A Protestant clergyman, the Rev. Mr. Dennis, of Wicklow, carried off the stakes. He claimed, and was allowed, the 3 lbs., which, of course, gave his horse so much advantage, for he had expended over 1000*l*. in litigation. The articles exhibit some of O'Connell's caustic humour.

*Apropos* of horses, I may mention a *bon mot* of the late Professor of Law in Queen's College, Cork, Professor Barry. He applied, on behalf of a man who dealt in horses and sugar-sticks, for an interpleader order.



The learned Judge (Ball) said, "Your client has a strange medley of trades, Mr. Barry."

"There is great affinity between horses and sugar-sticks, my lord," said Mr. Barry.

"How so?" inquired Judge Ball.

"The more you *lick* them the faster they go," replied the witty counsel.

This gentleman related to me many *bon mots* of O'Connell.

A very notorious Whiteboy, named Lucy, whose depredations ranged over the province of Munster, was caught at last, and his offences occupied no small share of the criminal calendar at the Cork Spring Assizes. O'Connell was retained to defend Lucy, and, while doing so in the Criminal Court, a heavy civil cause, in which he was also retained, was proceeding in the Record Court. Several pressing messages were sent to O'Connell, whose absence was greatly deplored by his colleagues in the Record, but, until he heard the satisfactory verdict of "Not Guilty," which freed Lucy from the gallows, O'Connell refused to abandon the prisoner. He then left the Criminal, and entered the Civil Court.

"O'Connell, why were you absent so long?" inquired Sergeant Jackson, in rather an irritated tone.

"I could not leave Lucy while his case was on," replied O'Connell.

"What was the verdict?"

"Acquitted."

"Then you have got off a wretch who is unfit to live," said Jackson.

The sergeant was remarkable for his piety, so O'Connell replied,—

“I am sure, my dear friend, you will agree with me that a man whom you regard as unfit to *live* would be still more *unfit to die*.”

O'Connell defended a man named Hogan, charged with murder. A hat, believed to be the prisoner's, was found close to the body of the murdered man, and this was the principal ground for supposing Hogan was the perpetrator of the foul deed. That the deceased came by his death by violence the state of the body clearly showed, and O'Connell felt the case for the prisoner required the exercise of his utmost powers. The Crown counsel made a strong point on the hat, which was produced in Court. O'Connell cross-examined the neighbour of the prisoner, who identified it.

“It is not different from other hats,” said O'Connell.

“Well, seemingly, but I know the hat.”

“Are you perfectly sure that this was the hat found near the body?”

“Sartin sure.”

O'Connell proceeded to inspect the *caubeen*, and turned up the lining as he peered into the interior.

“Was the prisoner's name, P A T H O G A N,” (he spelled each letter slowly) “in it at the time you found it?”

“’Twas, of coorse.”

“You could not be mistaken?”

“No, sir.”

“And all you swore is as true as that?”

“Quite.”

"Then go off the table this minute!" cried O'Connell, triumphantly. Addressing the Judge, he said, "My lord, there can be no conviction here. *There is no name in the hat!*"

The prisoner was at once acquitted.

O'Connell succeeded in silencing a most obstreperous attorney, whose face was indicative of his disposition. He bore on his inflamed countenance the defiant and pugnacious air of a bull-dog. On either side of his head stood out a lock of hair, which seemed to defy brush or comb to smooth down. These locks rose like carved horns, and increased the combative cast of his countenance. Petulant and irascible by nature, he spluttered out his words with a hissing, guttural sound, and, being in politics a fierce Orangeman, bore particular hostility to O'Connell.

As O'Connell was employed for the defence, while this angry attorney conducted the case for the plaintiff, the attorney constantly irritated the leader of the opposition by interrupting him while examining his witnesses, constantly addressing them as they came to be sworn, and altogether was most unruly and irregular. The barristers who acted with O'Connell did all they could to keep this attorney quiet, but in vain. He was ever jumping up, and seemed bent on provoking O'Connell. The latter was quite as resolved to keep cool, until roused by this obstreperous individual interfering when he (O'Connell) was pressing a hostile witness to answer a most important question. O'Connell bent on the attorney a stern look, and shouted, in tones that reverberated through the Court-house, "*Sit down, you audacious, snarling, pugnacious*

*Ram-cat !*” The effect was electrical. Down sat the crestfallen attorney, while a shout of laughter, in which Bench, Bar, and audience participated, marked O’Connell’s triumph. For once the Judge forgot his gravity, and, struck by the apposite terms of O’Connell’s reproof, literally rolled on his seat with laughter. The soubriquet of *Ram-cat* stuck to the attorney for the remainder of his life.

O’Connell took a rather amusing mode of being revenged on a farmer who cheated him of a fee. The man called on him at his lodgings in Patrick Street, Cork, and, saying “he had no attorney,” stated very clearly a point of law on which he requested “the counsellor’s advice.” O’Connell at once attended to the client, put several questions pertinent to his case, and then directed the farmer as to his course. He had just finished when a friend, Mr. Kellet, was announced, and while O’Connell was shaking him by the hand, the farmer slipped past to make his exit. He had reached the stair-head when O’Connell guessed his purpose. The farmer had commenced his descent when O’Connell, leaning over, with outstretched hand, caught, not the retreating client’s hair, but his wig. The farmer continued his descent, satisfied to lose the wig and save the guinea, but he was no match for O’Connell. Returning with the scalp, O’Connell greeted his friend Kellet with the whoop of an Indian chief as he held up his trophy. “Here, Kellet,” he said, “is the wig of a rascal who has just bilked me of a fee.”

“What will you do with it?” asked Kellet.

“Come and see,” replied Dan.

He threw up the window of his lodging, and there

was congregated in the street below a crowd of the "finest pisantry of Munster," who always escorted the counsellor on his way to the Cork Court House, for Dan at this time was emphatically "the MAN of the people." A cheer burst from the throng as they saw the smiling face of O'Connell. "See, boys," he cried, "I have something to amuse you. This fine wig, this superfine wig, I just now took from the head of a man who has sneaked off with my fee." With shouts of laughter they received it, as O'Connell flung it from him, and they tossed it from one to another like a shuttlecock.

Soon after, the late owner of the wig issued from the door. He was assailed with loud groans and such contemptuous epithets, that, besides the loss of his wig, caused him very bitterly to lament having cheated O'Connell of his fee.

O'Connell was retained in a Kerry case in which the *venue* or place of trial (it being in law a *transitory* action) was laid in Dublin. O'Connell was instructed to try and change the venue, so that the case might be tried in Tralee. This motion was resisted, and Mr. Scriven, the counsel opposed to O'Connell, happened to be a gentleman of a very plain, even forbidding countenance, and of high Tory politics. He stated "he had no knowledge of Kerry, and had never been in that part of Ireland."

"Oh!" replied O'Connell, "we'll be very glad to welcome my learned friend, and show him the lovely lakes of Killarney."

"Yes," growled Mr. Scriven, "I suppose the bottom of them."

"No, no!" retorted Dan, "*I would not frighten the fish.*"

O'Connell's ready wit often caused him to give his brethren on the Circuit a wholesome lesson in a good-humoured way. He was opposed to a leading member of the Circuit, named Bennett, who carried the case of legal opposition somewhat farther than O'Connell thought the occasion demanded. As Mr. Bennett wished to pass into the next Court, and having to encounter a cold draught of wind which was roughly blowing, he asked O'Connell to lend him his fur cap then lying on the seat beside him, "You may take it, with pleasure, George," replied O'Connell, "only as this is the *cap of good humour, I fear it will not fit you.*"

The criminal law, in former days, was much more favourable to prisoners than now, when indictments may be amended. Many of O'Connell's legal triumphs in defending prisoners were owing to his skill in detecting flaws in the indictments. Thus a man was charged with stealing a cow; the prosecutor swore that the prisoner was caught in the field where he left the cows to graze, but that the carcase was found in the next field. O'Connell submitted the indictment was bad, for when the cow was killed it was no longer a cow; and if the prisoner was to be tried for stealing a dead animal, it should be so stated. He relied on the dictum of Judge Holroyd, that an indictment for stealing a dead animal should state it was dead; for, upon a general statement that a party stole the animal, it is to be intended that he stole it alive.<sup>5</sup> And

<sup>5</sup> Edwards's Case—Russell and Ryan, 497. *Vide* Roscoe's "Digest of Criminal Ev.," p. 77.

here the only evidence was that the animal was dead.

The Court held the indictment bad, and directed the jury to acquit the prisoner. It was said the cow in question was the fattest of a number of cows, and the night on which it was killed was dark as pitch. The grateful cattle-stealer came in the evening to O'Connell's lodgings to thank him for having saved his life, for in those days cattle-stealing was punished by hanging.

"How did you contrive to select the fattest cow when the night was quite dark?" inquired O'Connell, wishing to increase his stock of useful knowledge.

"Well, your honour, you saved my life," replied the culprit, "so I'll put you up to the dodge. When you go to steal a cow, and wish, av coorse, to take the best—for 'in for a penny in for a pound'—be sure to take her that's on the outside. The wakest craturs always make for the ditch fer shelter, but the fat bastes are outside." Disputes respecting fisheries have proved a great source of litigation both in Limerick and Cork. The great salmon rivers—the Shannon and Blackwater in Munster—have, from very remote times, had rights of fishery conferred on varying owners along the course of these rivers, and contests between them have caused repeated law-suits. On one occasion the plaintiff, for whom O'Connell was counsel, derived his title as assignee of a company long in occupation of a salmon weir on the Blackwater near Youghal. In ancient times a Danish company worked the fishery. It was then called the Lax Weir. The defendant's counsel contended the weir should be open, to permit the fish to pass at certain distances, and the name Lax

implied an *open*, and not a *close* weir. This argument seemed to carry much weight, until some philologist in court wrote on a slip of paper, "In the north of Europe *lacks* or *lax* means a salmon." This enabled O'Connell to argue that the very word established his case, for the Salmon weir was the *Lax* weir; and thus, by the well-timed production of this bit of philological knowledge O'Connell gained a verdict for his client, and a great increase to his reputation as a skilful advocate.<sup>6</sup>

An action was brought for the diversion of a stream whereby the mill of the plaintiff was deprived of its requisite supply of water for milling purposes.

The plaintiff's attorney, a rosy-faced, red-nosed *bon vivant*, had a very great reputation for taking what was called a "big drink," and, when addressing the jury on the wrongs of his much-injured client, Mr. O'Connell could not avoid a joke on his attorney. "Gentlemen of the jury," he continued, "I can hardly describe how completely the defendant has intercepted this stream, which, for a long series of years, as we will demonstrate, has flowed, and still ought to flow, to turn my client's mill. I can most positively assert he has so entirely diverted this stream, there does not now flow in the old channel as much water as would make *grog for Fogarty*."

O'Connell did not confine his sly wit to Bar and attorneys. The judges occasionally were the subjects of his jest. When the late Chief Justice Lefroy was sergeant, he was noted for his religious fervour, and

<sup>6</sup> *Temple Bar Magazine*, vol. vi. p. 112.



took a very active part in the Society for the Conversion of the Jews. He had been attending one of these meetings, while O'Connell was, at the same time, busy in promoting his mission in aid of Roman Catholic Emancipation. The pious sergeant was appointed Judge of Assize on the Munster Circuit, and amongst the criminal cases for trial in Cork was the larceny of several ancient coins, some of the Hebrew kings and others of the Cæsars. O'Connell was engaged to defend the accused, and when the coins were produced in court, for luckily they were all traced by the police, Sergeant Lefroy expressed a desire to inspect them.

O'Connell, laying stress on the words, said, "Hand his lordship the *Jewish* ones, but give me the *Roman*."

Throughout life O'Connell was addicted to the use of strong language, as in the expression of calling the Members of the House of Commons, "Six hundred scoundrels," describing Mr. Disraeli as "the descendant of the impenitent thief;" alluding to Lord Alvanley as "a bloated buffoon." These vulgarisms pained his friends quite as much as they galled his enemies.

One of his most memorable encounters in the wordy war was with a notorious virago, who kept a small huckster's shop on the Quay of Dublin, opposite the Four Courts. She was named Biddy Moriarty, and acquired such reputation for the use of foul words, that no respectable person would venture to accost her save in most peaceable terms. O'Connell's power as a master of rhetoric, when but a junior at the Bar, induced some members of the Bar to back him against Biddy, and entering into the joke, he accepted the

offer, and promised to have a tongue-tilt with this redoubtable scold.

My friend the late D. O. Madden has thus related the dialogue :—

“O’Connell was very confident of success; he laid an ingenious plan for overcoming her, and, with all the anxiety of an ardent experimentalist, waited to put it in practice. He resolved to open the attack. At this time O’Connell’s own party and the loungers about the place formed an audience quite sufficient to rouse Mrs. Moriarty, on public provocation, to a due exhibition of her powers. O’Connell commenced the attack.

“What’s the price of this walking-stick, Mrs. What’s-your-name?”

“Moriarty, sir, is my name, and a good one it is; and what have you to say agin it? and one and sixpence is the price of this stick—troth ’tis chape as dirt—so it is.”

“One and sixpence for a walking-stick! Whew! Why you are no better than an impostor to ask eighteenpence for what cost you twopence.”

“Twopence, your grandmother,” replied Biddy. “Do you mane to say it is cheating the people I am? Impostor indeed!”

“Ay, impostor; and it’s that I call you to your teeth,” rejoined O’Connell.

“Come, cut your stick, you cantankerous jackanapes.”

“Keep a civil tongue in your head, you old *diagonal*!” cried O’Connell calmly.

“Stop your jaw, you pug-nosed badger, or by this

and that," cried Mrs. Moriarty, "I'll make you go quicker than you came."

"Don't be in a passion, my old *radius*; anger will only wrinkle your beauty."

"By the holy, if you say another word of impudence, I'll tan your dirty hide, you bastely scrub; and sorry I'd be to soil my fists upon your carcase."

"Whew, boys, what a passion Old Biddy is in! I protest, as I'm a gentleman."

"Gintleman! gintleman! the likes of you a gintleman! Wisha that bangs Banagher. Why, you potato-faced pippin-squeezer, where did a Madagascar monkey like you pick up enough of common Christian dacency to hide your Kerry brogue?"

"Easy now, easy now," cried O'Connell, with imperturbable good-humour, "don't choke yourself with fine language, you old whiskey-drinking *parallelogram*."

"What's that you call me, you murderin villian?" roared Mrs. Moriarty, stung with fury.

"I call you," answered O'Connell, "a parallelogram, and a Dublin judge and jury will say it's no libel to call you so."

"Oh tare and ounds! oh, you ruffin! that an honest woman like me should be called parrybellygrum to her face. I'm none of your parrybellygrums, you rascally gallows-bird; you cowardly, sneaking, plate-licken blaggard."

"Oh, not you, indeed," retorted O'Connell. "Why, I suppose you deny that you keep a *hypothenuse* in your house."

"It's a lie for you, you robber; I never had such a thing in my house, you swindling thief."

"Ah, you can't deny the charge, you miserable *sub-multiple of a duplicate ratio*."

"You saucy tinker's apprentice, if you don't cease your jaw, I'll—" But here she gasped for breath, while O'Connell proceeded,—

"While I have a tongue I'll abuse you, you most inimitable *periphery*. Look at her, boys; there she stands a convicted *perpendicular* in petticoats! There she trembles with guilt down to the extremities of her *corollaries*. Ah! you're found out, you *rectilineal antecedent*, and *equiangular* old hag; you porter-swiping *similitude* of the *bisection of a vortex*."

Overwhelmed with this torrent of language, Mrs. Moriarty was silenced. Catching up a saucepan, she was aiming at O'Connell's head, when he prudently made a timely retreat.

"You have won your wager, O'Connell; there's your share of the bet," said the gentleman who proposed the contest. O'Connell knew well the use of sound in vituperation, and having to deal with an ignorant scold, he determined to overcome her in volubility by using all the *sesquipedalia verba* which occur in Euclid. With these, and a few significant epithets, and a scoffing, impudent demeanour, he had for once impressed silence on Biddy Moriarty.

On the hustings, as in the Court or the street, O'Connell's wit was ever ready, his merriment never flagged. When his success at the great Clare election of 1828 caused the defeat of the Right Hon. Vesey Fitzgerald, the head of the Board of Trade, who expected a walk over, never supposing O'Connell would venture to oppose his return, the speech of the

successful candidate tickled the mob, and was quite suited to their taste. "Boys, where's Vasy Vigarald?" cried O'Connell. "O'hone Vasey, I'm dull without you, *Rimthigh, Mavourneen, Rimthigh,*<sup>7</sup> and find him out—send the bellman after him. Here's the cry for you:—

" Stolen or stray'd,  
Lost or mislaid,  
The President of the Board of Trade."

An amusing scene took place at the hustings in Dublin, when O'Connell stood for that city, and was opposed by John Beatty West, Q.C., whose heavy features and clumsy figure were forbiddingly plain, and most ungraceful, when compared with O'Connell's finely proportioned frame and smiling countenance, his features set off by a well-oiled wig.

O'Connell never hesitated to use any epithets to gall his foe, so he nick-named his opponent "Sou-West," which was soon shouted as "Sow-West," varied by "Ugly West."

Mr. West tried to retort by saying "My learned friend has an advantage over me in the matter of hair, he wears a wig."

"I scorn any such advantage!" cried O'Connell, as he removed the work of the perruquier. "Now, boys, here we stand, compare us both, and where is Sou-West, the beauty?"

"Three cheers for O'Connell," declared *the state of the poll*.

He often relieved the monotony of the debates of the

<sup>7</sup> Move about, dear, move about.

House of Commons, and the drowsy influence of soporific speeches by appropriate *bon mots*.

When the Government of Lord John Russell<sup>s</sup> escaped shipwreck on some vital question, by the narrow majority of a few votes, O'Connell caused general merriment by exclaiming,—

“There's a sweet little Cherub that sits up aloft,  
And takes care of the soul of *poor Jack*.”

A general election having failed to return as many Members to the House of Commons as Lord Derby's party calculated upon, when Parliament met, O'Connell referred to the failure in a very triumphant speech, and the applause was increased when he said,—

“See, down thy hill, romantic Ashburn, glides  
The Derby dilly, carrying *six insides*.”

But by far his most successful hit was in reference to Colonel Verner, M.P., Colonel Gore, M.P., and Colonel Sibthorp, M.P., the two former being devoid of any facial hirsute appendage, while the latter was remarkable for a beard that covered—not only his chin—but his breast. When making a speech in the House of Commons on a debate upon which these three Members had spoken violently on the opposite side, O'Connell said,—

“Three Colonels in three distant counties born,  
Armagh, Sligo, and Lincoln, did adorn;  
The first in direct bigotry surpass'd,  
The next in impudence, in both the last.  
The force of nature could no farther go,  
To *beard* the third, she *shaved the other two*.”

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<sup>s</sup> This able and eminent statesman died on the 28th May, 1878, in his eighty-sixth year.

O'Connell's health was so impaired in 1847—his once manly voice sunk to “treble pipes, and whistled in its sound”—that when he went to Parliament in 1847 he was inaudible in the gallery. He was ordered to try change of air, and set out for Rome, but death met him on the way, and in the city of Genoa, by the blue waters of the Mediterranean, on the 15th May, 1847, Daniel O'Connell died. His remains rest in Irish soil, beneath the stately round tower which proclaims where he is laid in the cemetery of Glasnevin.

## CHAPTER XXI.

## MEMOIR OF CHIEF BARON WOULFE.

Born in 1786.—Education.—Studies law.—His friendship with William Henry Curran.—High personal character.—Called to the Irish Bar in 1814.—Tour on the Continent.—At the Bar.—Personal appearance.—Supports the veto.—Opposed by O'Connell.—Meeting at Limerick.—O'Connell's story.—Woulfe publishes, in 1819, a letter to a Protestant on "The Balance of Evils."—Condemns Plunket for prosecuting the Catholic Association.—A Treatise on "The Law of Real Property."—Appointed a Crown Prosecutor on the Munster Circuit.—Assistant Barrister for the County Galway.—Resigns the chairmanship.—Obtains the rank of King's Counsel.—Serjeant in 1834, and Solicitor-General in 1836.—Elected M.P. for Cashel.—His Parliamentary career.—Attorney-General in 1837.—His mode of speaking.—Compared with Sheil.—The Drummond letter.—Succeeds Joy as Chief Baron in 1838.—His demeanour on the Bench.—At Baden-Baden.—Death in 1840.

Few men ever occupied a higher place in public estimation during his life than Stephen Woulfe, yet, such is the brief period of worldly popularity, his name is seldom mentioned now.

His family emigrated from the County of Clare, and settled at Chaud Fontaine, near Liege, in Belgium, where Stephen Woulfe was born in 1786. He was carefully educated by the Jesuit fathers at Stonyhurst, in Lancashire, and as this was the school at which, at



that time, the English patrician houses of Howard, Clifford, Petre, Weld, Witham, Stoner, and the Irish Talbots, Plunkets, Fitzgeralds, O'Briens, MacNamaras, Woulfes, and others, had their sons educated, a sort of national rivalry prevailed, and, in the intellectual, as well as physical conflicts, the Irish boys held their own. Among these Stephen Woulfe occupied no ignoble place. Having been well grounded in classical and scientific learning, he was sent for some time to the Lay College of Maynooth, and then, selecting the profession of the law as his avocation in life, became a student of the King's Inns, and a graduate of Trinity College, Dublin.

The following account of his student days was written by W. H. Curran:—

“It was in 1813, that being one of his fellow-students at the Middle Temple, I first saw him, and I cannot now refrain from stating, with, I hope, excusable pride, that our acquaintanceship was no sooner formed than he not only so much selected, as seized upon me as his friend, and that the cordial grasp, once given, was never relaxed until his hold upon all things in this life was gone for ever.”<sup>1</sup> Woulfe appears to have been very happy in securing, not merely the casual acquaintance, but the lasting esteem of his fellow-students. Besides Curran, the late Judge Ball, Richard Lalor Shiel, Sir Thomas Wyse, and Mr. Wallace were life-long friends.

Woulfe had qualities which men always love in their companions. A frank, trusting, kindly nature, a

<sup>1</sup> “Sketches of the Irish Bar, vol. i. p. 6.”

disposition pleasant and conciliatory, and unvaried rectitude of principle. His sentiments were neither narrowed by bigotry, nor warped by prejudice. His heart and his friendship were wide—neither were curtailed by seas, nor national preferences.

Having duly kept his terms, Mr. Woulfe was called to the Irish Bar in Trinity Term, 1814. Shortly after this the restoration of Peace, which followed the battle of Waterloo, opened Europe to travellers, when Mr. Woulfe accompanied Messrs. Ball and Wyse on a continental tour. He seems to have been much distressed by the bad sewage of Paris, and was glad to leave that now splendid capital for the sunny south. With his accomplished companions he visited Milan, Mantua, Verona, and Venice—the Bride of the Sea. Here the poetic and imaginative mind of Woulfe had much to revel in. The Palace of the Doges, the gloomy prisons approached by the Bridge of Sighs, the songs of the Gondoliers, the poetry of Tasso, the Rialto, the ancient fame and modern degeneracy of Venice called forth his reverence and regret. Woulfe left his associates to proceed to the Tyrol, where he enjoyed the glorious scenery of the land of Hofer, and, skirting the north of Switzerland, came home by the banks of the Rhine.

With a mind deeply imbued with literature, and great reasoning power, he settled to the practice of his profession. He never was greatly distinguished as a lawyer.

Mr. Curran says, “He had come to his profession, according to the custom of the time, without much previous insight into its minute practical details, but

as to some most essential particulars he was far from being unprepared. He had been no careless or negligent student. He studied the best text-books—both of Common Law and Equity, and not merely in a desultory, superficial way, but thoroughly. He was not so well acquainted with the minute details as with broad principles.” What he did know he knew well. He had thoroughly mastered leading principles, and on these he mainly depended. In their application he was always remarkably ingenious, but where there was a necessity for much legal learning he was deficient. His practice in the Four Courts was not large; but after the withdrawal of O’Connell, Sergeant Goold, and William Waggett, he became one of the leaders of the Munster Circuit.<sup>2</sup>

Woulfe’s personal appearance was very striking. His figure was long and lean, more indicative of grace than strength. His face was thin, with the cheeks hollow, the nose prominent, sharp in outline, and of unusual length. He looked often like

“An inspired and desperate alchemist  
Staking his very life on some dark cast.”

In later years, when I used to meet him, illness had wasted away the little flesh he ever possessed, and he was gaunt and grim, and though at best of times his voice was guttural and inharmonious, it then croaked. He could not pronounce the letter “r,” and, though a very rapid and fluent speaker, his tones were often too shrill to be heard with pleasure.

<sup>2</sup> “Ireland and its Rulers,” vol. ii. p. 308.

"I spoke to them trumpet-tongued," he said to a friend, after a fine speech to a Cork jury.

"You did, I heard you; but it was a penny trumpet, Stephen," replied Harry Cooper.

On one occasion a party of his friends (he being absent) were amusing themselves by going through some varieties of the canine race, and endeavouring to find a resemblance between them and members of the Bar. Bulldogs, spaniels, terriers, and curs, were readily matched. When the greyhound was named, Shiel instantly called out, "Woulfe," and the likeness, even to the very minutest details, was pronounced perfect. Both possessed the tall and slender frame, the keen eye, the elongated face—both so calm and gentle when in repose—so swift and bounding in motion. It was a capital simile.

It has been well said by a competent judge of men and character that "Woulfe was the first mind amongst the modern Irish Catholics." This is probably true as regards the laymen, but of the clergy, the Rev. Arthur O'Leary was before him. Woulfe certainly was a profound thinker, and endowed with great mental powers. Having already mentioned his having been sent to the College of Maynooth before entering Trinity College, Mr. Madden supposes he was intended for the priesthood, and infers that his theological training did much to sharpen the intellect and invigorate the reasoning power of one whose faculties, without some constraint, would have been erratic in their tendency from the discursive character of his mind. "Had he taken orders," adds Madden, "and

engaged in controversy, he might have been the Bossuet of Ireland.”<sup>3</sup>

Curiously enough he did engage in controversy. When the British Government claimed the right of having a veto upon the appointment of Irish Roman Catholic bishops, Mr. Woulfe, with several other conscientious Catholics, saw no objection to this arrangement. But the great mass of the Irish nation, priests and people, were against this veto, and it became the great question of the day. O’Connell was opposed to Woulfe, who was regarded as the chief champion of those in favour of the veto. At a great public meeting held in Limerick, to pronounce against giving this power to the Government, Woulfe attempted to address the meeting, but, as he was known to differ in opinion from O’Connell, Woulfe was unable to obtain a hearing. O’Connell came forward and asked, as a favour to himself, “that the learned gentleman might be allowed to speak.” This silenced the tumult, and Woulfe delivered a carefully prepared and most powerful speech on the subject, in favour of yielding to the Government. When he ceased O’Connell advanced, and was loudly cheered. “I am not going to make a speech to-day,” he said, in his sweet, but impressive voice; “you have had a fine speech from the gentleman who has just sat down, but I will tell you a story. Once upon a time a flock of sheep were living peaceably together under the care of their watch-dogs, when an attempt was made to get rid of the dogs. And who made the attempt? It was the wolves. A meet-

<sup>3</sup> “Ireland and its Rulers,” vol. ii. p. 321.

ing of the sheep took place. Then the leading wolf came forward, and tried to persuade the innocent sheep to give up their dogs. They followed the advice, and mark the consequences. They were quickly devoured, and so would the Catholics of Ireland if they acted in the same manner as the sheep, and followed the advice of a *Woulfe*."

The meeting at once saw the drift of the story, and cheered O'Connell to the echo. It is needless to say the vetoists were thoroughly beaten, and Woulfe, turning to Dean Coll, said, "How useless it is to compete with O'Connell. Here have I been elaborating a speech for a month, and O'Connell demolishes me by a flash of humour and a pun on my name!"

In 1819, Woulfe published a very able treatise on the situation of the Irish Catholics. It was entitled, "A Letter to a Protestant on the Balance of Evils," and addressed to Henry Brougham. It was thus commented on by a friend of Mr. Madden's:—

"I had never before seen Woulfe's argument on the Catholic question, and I have been perfectly amazed at the ability of some portions of it. The permanent value and universal applicability of the arguments chiefly rested on, and the intimate familiarity with ancient and modern history displayed throughout, struck me very much. It is plain he has been a deep student of history. But it is absurd to look upon this work as a pamphlet. It is a grand oration, undelivered for want of a fit arena to speak it in, like Cicero's famous second Philippic. You may, if you like, class it as a piece of political reasoning with Mackintosh's disquisition on the Reform Bill, or any other essay of

that description. I would rather compare it to Burke's great speech on conciliation with America. It evinces the same power of surveying the question from a height, and, looking down upon the contending principles on both sides. Woulfe's subject is not less grand than Burke's, and his treatment of it hardly less comprehensive and dignified; it is a plea for national integrity, universal tolerance, and the supremacy of law, unstained by even the pretence of partisanship."

From what I have mentioned it may be supposed that, on some points, Woulfe and O'Connell did not agree. However, Woulfe cast the weight of his high character and great abilities into the scale with his co-religionists in their efforts for emancipation. Though bound by ties of personal friendship and esteem for Plunket, when that great Irishman, as Attorney-General, prosecuted the Catholic Association, no one was more vehement in denouncing the prosecutions than Stephen Woulfe.

He owed much professional advancement to Plunket. Woulfe had composed a treatise on "The Amendment of the Laws of Real Property in England," during the year 1822, but was anticipated in its publication by Mr. Humphrey's "Observations on the Actual State of the English Laws of Real Property, with the Outlines of a Code."

Mr. Woulfe was one of the first Irish Catholics who obtained legal preferment from the British Government in modern times. A Crown prosecutorship on the Munster Circuit was conferred on him, and at that time it was worth at least 1000*l.* a year. In 1829 the Assistant-Barristership of Galway was also given to

him by the then Chief Secretary for Ireland, Lord Francis Leveson-Gower, but the union of these two offices was too much for his delicate health, and he resigned his chairmanship in 1832, having held it only about three years.

The office of Crown prosecutor on his circuit was not a very laborious one, and very remunerative. During the anti-tithe agitation of 1833, he conducted a prosecution against parties defended by O'Connell to the great satisfaction of the Viceroy, Lord Anglesea, by obtaining a conviction. Lord Plunket, the Chancellor, was asked by the Viceroy "what compliment could be conferred on Mr. Woulfe in reward for his successful efforts?" and the silk gown of King's Counsel was tendered and accepted. In 1834, Woulfe was promoted to the rank of Sergeant-at-Law. On the elevation of the Right Hon. Michael O'Loughlen to the Bench of the Exchequer, Mr. Richards succeeded him as Attorney-General, and Mr. Woulfe became Solicitor-General for Ireland. As the Government required the presence of one of the Law officers in the House of Commons, the Solicitor-General was returned for the borough of Cashel in 1836. He was not slow in gaining a Parliamentary reputation. On the 7th March, 1836, he delivered a great speech on the question of the Reform in the Irish Corporation. When Sir Robert Peel asked, "*Cui bono* Corporations? What good will they be in Ireland, a poor country with little trade?" Woulfe answered, "I will tell the Right Honourable Baronet what they will do. They will go far to create and to foster public opinion in Ireland, and make it racy of the soil." Words of



great importance, and adopted as the motto of the *Nation* newspaper. In 1837 Mr. Woulfe became Attorney-General.

He did not continue a member of the House of Commons, or the first law officer of the Crown, for a very lengthened period. He was in much bodily suffering during that period of his life ; but short as was the time he sat within the walls of Parliament, he displayed mental superiority to almost all those who, while holding official rank at the Irish Bar, had the *entrée* to the Senate. He was infinitely superior to the Jacksons, Littons, Lefroys, and others of that class, and was readily appreciated by friends and political foes, for he had no others. Sir Robert Peel and Sir James Graham both expressed their admiration at the ability of his Parliamentary speeches, especially those on Corporate Reform, and his speech from the hustings at Cashel was the theme of praise from the press of Great Britain and Ireland.

The following account of the delivery of one of his speeches in the House conveys a good idea of him, when labouring under great physical debility. The second reading of the Irish Municipal Reform Bill coming on, Mr. Woulfe said, "He could not, as the Attorney-General for Ireland, omit making a speech on the occasion." For some time—say ten minutes after he commenced—he acquitted himself in a more than creditable manner, and the presumption, for that length of time, was that he would improve in the eloquence, and in the animation of his manner, as he got further into his subject. Instead of that, however, he became much heavier in his matter, and more languid in his

manner. He consequently lost, to a corresponding degree, the attention of the House, and many members rose and went out. In about a quarter of an hour after this he rallied, and made what is called a number of good points. He also became much more lively in his manner, and repeatedly elicited loud cheers. He continued to speak for a full hour more, making at least an hour and a half altogether, during which he addressed the House.<sup>4</sup>

Woulfe was considered to have resembled Shiel in some respects. This, perhaps, was owing to his peculiar voice, and using much gesticulation when excited. In his calmer moods he stooped, leaning upon the table, and keeping his gaze fixed upon the Speaker or some other member who sat opposite.

It was while Mr. Woulfe was Attorney-General the memorable letter, called "The Drummond Letter," was written to the Earl of Donoughmore and the magistrates of Tipperary. It was dated Dublin Castle, May 22nd, 1838. This letter contained the oft-quoted passage, "Property has its duties as well as its rights." Mr. Madden justly observes, "Of the effects of that letter it is needless to speak. It never can be forgotten in Ireland. Seldom was a public document conceived in a happier spirit. Equal to the occasion which called it forth, its moral power can be best estimated by the stricken spirits of those whose arrogance and injustice were rebuked therein with stern dignity."<sup>5</sup>

This able State Paper, though attributed to the Under-Secretary for Ireland, the lamented Thomas

<sup>4</sup> "Metropolitan Mag., vol. xviii.

<sup>5</sup> "Ireland and its Rulers," vol. ii. p. 300.

Drummond, was really written by Woulfe, the Attorney-General.

The death of Chief Baron Joy left the chief seat on the Exchequer Bench vacant, and to this, on the 20th July, 1838, the Attorney-General became entitled according to custom. In some respects the seat on the Bench was a change for the better. It relieved Mr. Woulfe from the duties of Attorney-General, and the nightly attendance in the House of Commons, which to one in such infirm health must have been very disagreeable. But the Bench was no sinecure. At that time the Exchequer had an equitable as well as legal jurisdiction, and, as very little business was done in the Common Pleas, a very great share was in the Exchequer. Then the Chief Baron sat at *Nisi Prius*, so Chief Baron Woulfe had not wholly *otium cum dignitate*. He gave great satisfaction while on the Bench. His manner was courteous and patient, while his rulings were marked by great ability. But his failing health demanded rest, and he resolved to try a year's respite from his duties. Towards the close of 1839 he went to Baden Baden, where he died early in the year 1840, and left the noble reputation of being one of the most gifted men Ireland has ever produced. His name and fame is destined to be preserved in the distinguished career of his nephew, the Right Hon. Stephen Woulfe Flanagan, one of the Judges of the Landed Estates Court.

## CHAPTER XXII.

RICHARD LALOR SHIEL.

Born in 1791.—Scenery on the Banks of the Suir.—His education.—Resolves to study Law.—Love of Literature.—His début in the College Historical Society. His appearance and manner.—His Plays.—First Marriage.—Death of Mrs. Shiel.—Contributes to the New Monthly Magazine.—Success on Circuit.—Appointed King's Counsel.—Second Marriage.—Becomes M.P.—His political changes.—Death in 1852.—*A bon mot*.—His power as an orator.—His Alien Speech first delivered in the Catholic Association in 1826.—Effect of Shiel's oratory upon me in 1844.

THIS very eminent Irishman was born near Waterford, in 1791. His father had amassed a considerable fortune as a merchant in Spain, and purchased a property in Ireland on the banks of the Suir. Of the scenery around his paternal home, along the river Suir, Shiel thus writes: "How often have I stood upon its banks when the bells of Waterford city, the smoke of which was turned into a cloud of gold by a Claude Lorraine sunset, tolled the death of the departing day! How often have I fixed my gaze upon the glittering expanse of the full and overflowing waters, crowded with ships, whose white sails were filled with just wind enough to carry them on to the sea, by the slowness of their equable and majestic movements giving leave to the eye to contemplate at its leisure their tall and stately beauty, and to watch them long in their progress

amidst the calm through which they made their gentle and forbearing way. The murmurs of the city were heard upon the right, and the lofty spire of the church rose up straight and arrowy into the sky. The sullen and dull roar of the ocean used to come over the opposite hills from the bay of Tramore. Immediately before me were the fine woods of Faithlegg, on the left Snow-hill, and, in the distance, where the Suir, the Nore, and the Barrow meet in a deep and splendid confluence, the ruins of the old Abbey of Dunbrody threw the solemnity of religion and antiquity over the whole prospect.”<sup>1</sup>

Richard Shiel’s first preceptor was a Frenchman, the Abbé de Greneau, and from the Abbé he acquired the rudiments of Latin and French. He then went to the *Pères de la foi*, who taught a school at Kensington, and thence to the Jesuits’ College, at Stonyhurst. It is probably from these places of education, that, in “Ireland and its Rulers since 1829,” its usually accurate author states Shiel “was intended for the Church.” Mr. Madden supposes “his British education had considerable influence on his life, and though an Irishman, in his oratorical style he is full of the social prejudices habitual to Englishmen.”

Having left Stonyhurst, Shiel entered Trinity College, Dublin, and resolved to study Law. He was much addicted to literature, and at an early age displayed marked preference for the Drama. His knowledge of classics enabled him when in Trinity College to gain several prizes, and he was a distinguished member of

<sup>1</sup> “Schoolboy Recollections,” *New Monthly Magazine*, August, 1829.

the College Historical Society. His manner of speaking was little changed throughout his life, for the account given by an eye-witness to his *début* in the Historical Society would have suited any of his parliamentary addresses; John Wilson Croker said, "He jumped into the middle of the floor, knit his brows fiercely, clenched his hand, and stamping violently, squealed forth the most inflated rhetoric that had ever been heard, in the most discordant voice that could possibly be imagined." Several contemporaries have described Shiel's personal appearance, and it was so singular it was easy to do so. M. Duvergier d'Hauranue, in his "Lettres sur les Elections Anglaises, et sur la Situation de l'Irlande," p. 157, thus portrays him: "Were I commissioned to take down the *signalment* of Mr. Shiel, this would be very nearly the result: height five feet four inches, eyes quick and piercing, complexion pale, chin pointed, hair dark, and in adding mouth middle sized, I flatter myself I should have given a description not to be excelled in exactness at the *bureau des Passports*. But this is the portrait of the *gentleman*; that of the orator is widely diverse. When you behold that little Gascon figure in repose, it is impossible to suspect to what changes passion is capable of converting it. There is in Shiel something of Juvenal, of Pindar, and of Mirabeau. His satire is shrewd and bitter, his poetry dazzling; his enthusiasm carries you away. When he flings forth his sarcasm, a bitter smile contracts his lips; when he threatens, his eyes dart forth lightning; when he is under the influence of powerful inspiration, they take an expression altogether sublime. His voice is meagre, harsh, and shrill,

but a powerful emotion seems to regulate its vibrations. His gesture is quick, abrupt, and rather disorderly; but it is always in perfect accord with such sentiments as he has to express. Shiel possesses in an eminent degree the surprising faculty of exciting himself to the verge of delirium, without once losing his complete self-possession." It is amusing to compare this account of Shiel's *surprising faculty* thus given by the Frenchman with Madden's account of him in the House of Commons:—

"Hah! up he springs, like an Irish volunteer rushing to the breach. What a voice! what vehemence of gesticulation! what furious passion.

"*Passion?* He never was in a better temper during all his life, for he is excellently made up, and he is sure of producing an effect, most brilliant, though very transient in its nature. The artistic asperity of a rhetorical gladiator must not be confounded with the rancour of antipathy. He has now to act the part of a raging patriot—how inimitably he storms, harshly bawling out his facts with furious vehemence, and shrieking his philippic against the Government with as impassioned spirit as if the fate of the world depended on his oration."<sup>2</sup>

This prearrangement may be true of his parliamentary and platform speeches, but it is impossible he could be thus prepared on Circuit, and when addressing juries in Dublin. He wrote a number of plays, which had considerable success, chiefly owing to the excellent acting of the celebrated Irish Actress, Miss O'Neill.

<sup>2</sup> "Ireland and its Rulers," vol. ii. p. 239.

This lady was almost as famous as Mrs. Siddons, and when in the zenith of her histrionic fame, retired from the stage, to adorn a private station. This she did with as much grace and dignity as she displayed on the stage. She married Sir Henry Wrixon Beecher, Bart. By his Plays, "Adelaide, or the Emigrants;" "The Apostate;" "Florinda;" "Bellamira, or the Fall of Tunis;" "Evadne;" "Montoni, or the Phantom;" and "The Huguenot," Shiel made considerable sums of money. In 1816 he married Miss O'Halloran, niece of Sir William McMahon, then Master of the Rolls in Ireland. This lady had 2000*l.* fortune. Shiel soon became a distinguished Member of the Catholic Association, and was reckoned the most influential speaker at its meetings—next to O'Connell. Sir William soon gave the young barrister intimation that no smiles of Rolls Court favour would be extended to any agitator. The Master of the Rolls declared, "A sense of public duty rendered it impossible for him to identify himself with a person holding such violent opinions."

Shiel's buoyant nature was not depressed by this declaration of his wife's uncle. He even made a joke about it. "The only thing which provokes me," he said, "is, that people imagine I never got anything from him. Now this is quite untrue. I once got an *invitation to breakfast.*"

In 1822 Mrs. Shiel gave birth to a son, but at the cost of her life. In order to occupy his mind, and assuage his grief for his departed wife, Shiel, in conjunction with a friend, the late Mr. Commissioner Curran, contributed "Sketches of the Irish Bar" to the *New Monthly Magazine*. He also had very



good practice in his profession, especially on the Leinster Circuit. Writing from Clonmel, to Mr. Curran, during the Assizes, he says, "You will be glad to learn that I have been employed in almost every case, either to state or to speak to evidence; and by two speeches, in very remarkable actions, I have, I think (though I may be deceived), greatly added to my reputation. King's Counsel were left out in some instances, in order that I might have precedence. The people and his Majesty have, of late, began to differ in the selection of their advocates."

But his Majesty soon selected him as one of his counsel. By the passing of the Emancipation Act of 1829, Catholics were eligible to put on the silk gown, and Shiel was called to the inner Bar. We are told he was blamed for consenting to be a King's Counsel, while O'Connell was excluded, and the great Irishman's sarcastic, "Make way there for the King's Counsel," sounded very disagreeably in the ears of the rhetorical phenomenon.<sup>3</sup>

In 1830 he married again. His second wife was Mrs. Anastatia Power, widow of Edward Power, Esq., of Gurteen, County Waterford. He was elected Member of Parliament, and, according to the work already quoted, not a very reliable politician. He was a Whig in 1831, and a Radical in 1833. He was a Unionist in the summer of 1832, and a Repealer in the autumn of the same year. In 1834 he spoke and voted for the dissolution of the Union, and in 1843 he kept aloof from the party whose principles he formerly espoused.<sup>4</sup>

<sup>3</sup> "Ireland and its Rulers," vol. ii. p. 226.

<sup>4</sup> *Ib.*, vol. ii. p. 236.

The fact is, Shiel was ambitious, and London is the field for ambition.. Having abandoned his profession for a political career, he sought the best market for his splendid oratorical powers, and in return for the support he gave the Whigs, received from that party a number of places. He was at one time a Commissioner of Greenwich, at another Master of the Mint, and, finally, British Minister at Florence, where he died on the 25th May, 1852. His remains were brought to Ireland, and interred at Long Orchard, in the County of Tipperary. Shiel, though a very epigrammatic speaker, was not remarkable for witty sayings. One of the best I have heard, was in reference to a gentleman connected with trade. During O'Connell's agitation several of the distilleries and breweries in Ireland vied with each other for popular favour, and either the proprietors themselves, or persons in their employment, attended public meetings, and made eloquent speeches in support of the people's rights. It was often, as the late General Barry observed, "*froth*" at top, and *beer* at the bottom." While a gentleman in the great distillery establishment of Sir John Power, of Dublin, was haranguing a Catholic meeting some one asked Shiel "Who is this?" "Oh," replied Shiel, "he is a *patriot to a distillery.*"

A specimen of his epigrammatic style is this—"Such attention as I may receive, I will reward with brevity." Assuredly, one of his most successful parliamentary speeches was that upon Irish Municipal Reform, when he referred to Lord Lyndhurst's unhappy description of the Irish, as "aliens in country, in language, in race, and religion." Shiel's personal

appeal to Sir Henry Harding, "that gallant so'dier who carries a brave heart in an intrepid breast," was admirable.

Now, it is worthy to note that the scope and tenour of this very effective speech of 1842, was delivered by Shiel above sixteen years before, when working with O'Connell for Emancipation.

On the 16th of January, 1826, a meeting of the Catholic Association was held at Burgh Quay, Dublin. The speeches delivered at these meetings were filled alternately with the most astonishing facts and the most heart-stirring eloquence. On the second day Shiel alluded to the Orangemen—"The men who with exasperating exclusions, with vilifying disqualifications, with offensive songs, and with new insults, repay the victories that have been achieved by the feats of Irish valour and the waste of Irish blood. Oh! shame, shame, shame! (loud cheers). Again I say, shame upon the abominable system that will take the heart's blood of Ireland and requite it thus. What will a French soldier say? What will be said by the men who survived the field of Waterloo when they shall peruse (and they will peruse) what I am now speaking to you, and learn that those who forced their battalions to flight and broke the spell of Napoleon's invincibility, are deemed unworthy of the rights of nations, are deemed unworthy of the rights of citizens (cheers). What will they say when they shall have been told that the arms which drove the bayonets through their ranks are laden with shackles; and that while laurels are heaped upon the brows of the captain of that great host, the soldiers who achieved the unparalleled victory

are bound in chains ? They will say, that it is better to be unfortunate than ungrateful, and that the field of Waterloo was as disgraceful to England as it was disastrous to France."

Any one comparing this passage from the life of O'Connell, written by Mr. O'Keeffe, will perceive at once that the famous peroration of Shiel's speech in the House of Commons, is only an amplification of this speech on Burgh Quay, in 1826. Of course, it was fairly allowable for Shiel to use the same topics, and the presence of Lord Lyndhurst, who, fortunately for Shiel, entered the House of Commons, and took his seat in the Peer's Gallery while Shiel was speaking, gave additional force to his wonderful eloquence. Lord Lyndhurst was himself sensible of this, but it was too late to retreat, so he had to remain to the end.

The brilliant peroration was received with such loud and continuous cheering, that fully a quarter-of-an-hour elapsed before the applause ceased. I never can forget the effect Shiel's marvellous powers of oratory had upon myself. I was engaged in reporting the State Trials of 1844, and when Shiel spoke in defence of John O'Connell, it was with extreme difficulty I could do anything with my pen ; I longed so to listen. That I could observe anything discordant in the voice that spoke, anything outrageous in the gestures that added point to the words was impossible. Voice, action, look, and gesture, were all in harmony, and as the stream of eloquence poured forth, I felt—here, indeed, was the most brilliant speaker it ever was my good fortune to hear. Such was my estimate of Richard Lalor Shiel.

## CHAPTER XXIII.

ROBERT HOLMES.

Position of Mr. Holmes in 1838.—Born in 1762.—Entered Trinity College in 1782.—Studies for the medical profession.—An Irish Abernethy.—From medicine to law.—How he studied law.—Called to the Bar in 1795.—The leaders of the Bar.—Mr. Holmes married Miss Emmet.—General order regarding the lawyer corps of Volunteers.—Mr. Holmes leaves the ranks.—Circuit Bar resolution.—Challenge to Mr. Joy.—Mr. Holmes arrested.—Pleads guilty, and sentenced.—Suspected of being engaged in the insurrection of Robert Emmet.—Plunket's speech on Emmet.—Government offers office.—Mr. Holmes quotes from a Law Report.—Great practice.—Why Mr. Holmes was tried.—Celebrated speeches.—Defence of John Mitchel.—Extracts.—Effects of the speech on the auditory.—Remarks of Chief Justice Blackburne.—Mr. Holmes's pamphlets.—Reply to the address from the North-East Bar.—Resided in London to his death in 1852.—His descendants.

THE most distinguished member of the Irish Bar, when I was called in 1838, was Robert Holmes. Though long past the three score years and ten, he had all the vivacity of youth, and the matured wisdom of age, quite unimpaired. He had immense practice, and his legal ability was of the highest order. It was strange to hear this Nestor of the Bar addressing the judges from the outer benches, and wearing the stuff gown of the outer Bar, while so many younger in

years, and inferior both in capacity and in practice, were King's Counsel; but a glance at the story of his life will account for this.

Mr. Holmes was a native of the province of Ulster, born in Belfast in 1762. He was a hard-working student, and entered Trinity College, Dublin, when the Irish nation was bursting the shackles that cramped her energies and dwarfed her growth. Then, by the might and patriotism of the men of '82, she reached, at a bound, a vigorous maturity, and rose at once in the scale of European kingdoms.

It was doubtless the recollection of the stirring events of these bright and glorious, but short-lived and evanescent gleams of freedom, which rooted in the heart of Robert Holmes that sturdy spirit of patriotism and independence which was his characteristic throughout life. He had able competitors during his student days. The classic taste of the time brought forth the elegance of Bushe, and the masterly genius of Plunket. Holmes was more in the style of the latter than the former. He preferred mathematics to poetry, and Aristotle to Plato. It appears he first devoted his studies to medicine, and, like the late Chief Baron Pigot, passed some years in attending surgical lectures and hospitals. It was well said, had he persevered, he would have been an Irish Abernethy, for the same caustic humour, joined to unquestioned ability, which marked the clear head and rude manner of the celebrated Scotch doctor, were to be found in Robert Holmes.

He changed, however, from medicine to law, and prepared for the Bar. He was no idle apprentice.

What he wanted to do he did—not in an indolent, listless, careless manner, but with all his heart, and mind, and strength. He was not satisfied with skimming the surface of his subject, reading a few text-books, so as to acquire a hasty and a hazy notion of the great field of English jurisprudence; but he went below the surface, and, like Aladdin in the subterranean garden, discovered the lamp of knowledge. This he rubbed until the genii came, and, as he was master of the spell, all he required was yielded. Well trained by study, provided by nature with that rare and best gift—common sense (it ought rather to be called *uncommon*)—he soon displayed untiring energy and unflagging industry. His thorough knowledge of his profession made him fully equal to encounter any of his contemporaries. He was not called to the Bar until the year 1795, and a galaxy of talent was then upholding the high fame of the Bar of Ireland. Some of these are already sketched, others follow. Plunket, Bushe, Saurin, Goold, Richard and Edward Pennefather, were about the same standing as Holmes, while of those who won fame, and were among the seniors, stood Curran, George Ponsonby, Ball, O'Grady, Joy, and Peter Burrowes.

Mr. Holmes married Miss Emmet, daughter of Dr. Emmet, an eminent physician of Dublin, and the young barrister was a member of the Lawyer Corps of Volunteers, of which Mr. Saurin was colonel. It appears that a general order had issued that this corps was to be subject to military discipline, and divested of its civil character. Mr. Holmes had been a spectator, accidentally, of a soldier being flogged,

and was disgusted at the brutality of this punishment. Aware that his corps might be ordered to be present at a similar scene, he resigned his arms and left the ranks. This roused the indignation of some members of his circuit (the North-East Circuit), and Mr. (afterwards Chief Baron) Joy caused a resolution to be passed "that only those who were members of the Lawyer Corps were worthy of being members of the North-East Bar." Mr. Holmes attended the next meeting of the Bar, and the above resolution was read; Mr. Joy adding, "If any gentleman considered the resolution applied to him, he ought to retire."

Mr. Holmes at once admitted it applied to him, but he denied that the members of a circuit could take upon themselves such jurisdiction as to take cognizance of political feelings. He then retired, and sent a hostile message to Mr. Joy.

An interval of a day elapsed, and Mr. Joy, or his friends, considered it safer to have Mr. Holmes arrested for provoking Mr. Joy to fight a duel than to accept the challenge. Accordingly he was arrested.

A criminal information was applied for, and conditional order granted, against which J. P. Curran and Plunket showed cause; but the rule was made absolute, and, to save further trouble and trial, Mr. Holmes pleaded guilty. He was brought up for sentence in the King's Bench, the Lord Chief Justice, Lord Kilwarden, presiding, who sentenced Mr. Holmes to six months' imprisonment in the gaol of Kilmainham. This period was subsequently reduced to three months.

Mr. Holmes was quite unaware of the treasonable designs of his brother-in-law, Robert Emmet. It ap-



pears Mr. Holmes was in London, and only returned to Dublin on the very day this attempt at rebellion burst forth. He was, however, suspected, and committed to prison, and his house and papers searched, but nothing treasonable having being discovered, he was released.

We know what followed—how Robert Emmet was tried before Lord Norbury, and, though the prisoner called no witnesses, Plunket made a powerful speech for the prosecution. The Crown could do so as of right, but a right more honoured in the breach than the observance.

The Attorney-General, O'Grady, stated he requested Plunket to make this speech, which, in my mind, wholly exonerates Plunket from any imputation of unduly pressing against the unhappy prisoner on trial. It would seem as if Mr. Holmes considered his brother-in-law was ill-treated by Plunket, for one of the reasons given to me why Mr. Holmes had not exchanged the stuff for the silk gown was that he would never receive a compliment through Plunket, and as Chancellor he should call Mr. Holmes within the Bar.

The Government of Ireland repeatedly tried to gain the support of Mr. Holmes, and offered him place and position in vain. While the Right Hon. Mr. Saurin was Attorney-General, a Crown Prosecutorship was offered and declined; again, when the Marquis of Anglesey was Viceroy, Mr. Holmes was pressed to become a King's Counsel, with a promise of the office of Solicitor-General on the next vacancy, but this also was respectfully refused. When Earl Grey

was Prime Minister, overtures were once more made, and Mr. Holmes said, "Though no statesman had stronger claims upon his respect than Lord Grey, he had made up his mind not to take favours from any administration. He preferred his stuff gown to all the silk in Macclesfield."

Did he lose business by this course of conduct? Assuredly not! He had the largest practice of any member of the Common Law Bar for years, and no member of the Irish Bar was listened to with more respect by the judges. He was not always very civil to them. He rarely failed to say what he thought, and sometimes went beyond the limits of that respect due to the Bench.

I was told that, having in vain pressed a point in favour of his client upon the Barons of the Exchequer, who one and all were quite against him, he said he would be content if they allowed him to refer to a very recent judgment of the Court of Appeal in England, which he thought in point.

"No use at all, Mr. Holmes," said the Chief Baron O'Grady, who probably suspected what was coming.

"Only two lines, my lord," persisted Holmes.

"Well, Mr. Holmes, as you say it is in point, let us hear it," remarked Baron Pennefather.

Holmes opened a recent number of House of Lords cases, and read from the judgment of an appeal case, reversing the decision of the Barons:—

"The Court of Common Pleas in Ireland is seldom right—the Court of Exchequer never."

While Bench and Bar were quite taken aback by

this instance of Holmes's sarcasm, Chief Baron O'Grady drawled out,—

“Now, brother Pennefather, see what you got for your politeness!”

Mr. Holmes's great ability was conspicuous in his law arguments, which form a mine of sterling ore for perusal in the Irish Law Reports. He also was in great repute on cases submitted for his opinion, and I have been assured his reputation was so high that many were sent from England to obtain his advice. He was a powerful and impressive advocate, and several of his speeches to jurors are noble specimens of forensic eloquence.

I wish I had a collection of his *bon mots*. There was a dry, caustic humour about him very provocative of mirth, and some of his cross-examinations, especially of northern witnesses, were extremely comic. He made us laugh very much one day in the Queen's Bench. I was waiting for some case in which I was counsel, when the crier called “Pluck and Diggers,” and in came James Scott, Q.C., very red and heated, and, throwing his bag on the table within the Bar, he said,—

“My lords, I beg to assure your lordships I feel so exhausted I am quite unable to argue this case. I have been speaking for three hours in the Court of Exchequer, and I am quite tired, and pray excuse me, my lords. I must get some refreshment.”

The Chief Justice bowed and said, “Certainly, Mr. Scott,” so that gentleman left the Court.

“Mr. Holmes, you are in this case,” said the Chief Justice. “We'll be happy to hear you.”

"Really, my lord, I am very tired too," said Mr. Holmes.

"Surely," said the Chief Justice, "you have not been speaking for three hours in the Court of Exchequer? What has tired you?"

"Listening to Mr. Scott," was Holmes's sarcastic reply.

His speeches in *Watson v. Dill*, in the defence of the *Nation*, and his masterly oration on behalf of John Mitchel, were worthy of his renown. This last, as it affords a fine specimen of his fervid eloquence, deserves to be extracted.

John Mitchel, a solicitor from the North of Ireland, was a man of great political fame. He had early been distinguished as an ardent Nationalist, and when my dear and respected friend, Thomas Davis, died in 1845, John Mitchel took his place as a contributor to the *Nation*. This newspaper had been founded a few years previously. Mr. Mitchel subsequently published another journal, and the violence of its articles drew upon him a Government prosecution. He was tried in 1848, before Chief Justice Blackburne and Judge Moore, in the Court-house of Green Street, and the prosecution was conducted by a very numerous array of Crown counsel. For the defence appeared the veteran Robert Holmes. The prosecuting counsel having closed their case, Mr. Holmes made a speech, the effect of which may be judged from the following extracts:—

"A free state and its members are one; the rulers and the ruled have no contrasted interests; the public and the private energies are intimately connected. A sense of national glory, of high national character, a

love of the common weal, the fruitful source of generous sentiments and noble deeds inspire and animate, and dignify the individual, exalt the social above the selfish affections, develop the powers of the understanding, give birth and vigour to lofty thoughts, and if they sometimes arouse the ambitious and destructive, they more uniformly called forth and exercise the benevolent and useful passions of the human heart. But when this common invigorating principle is wanting—when a people is subservient to the will, worked by the guile, ruled by the caprice, the prejudice, the passion, and the interests of another state, the character and the conduct of that people will inevitably betray the vileness of its condition. National independence does not necessarily lead to national virtue and happiness; but reason and experience demonstrate that public spirit and general happiness are looked for in vain under the withering influence of a provincial subjection. In Ireland we have labour—hard labour—incessant labour; but we have not in Ireland industry; we have industrial resources, but we have not industry itself. Can you wonder? The industry of man arises not from the mere impulse of instinct; the industry of man arises from the impulse of his instinct and his reason, from his wants and his aspirations, from a sense of duty and a love of fame; the industry of man embraces the material and the intellectual world—is impelled by the sordid, and animated by the generous affections—is connected with everything mean and everything noble in the human breast; with the miser and the slave it grovels on the earth—with philosophy and liberty it mounts to heaven. The gross portion of its nature

may exist in any clime where the animal can breathe, but every celestial particle will perish where the mind is not conscious of freedom, where the heart is not confident in the protection and enjoyment of independent legislation, and equal rights and equal laws. The soil of Athens is still visited by the same sun which warmed the genius of Pericles, and shone upon the works of Phidias ; but then his beams no longer illumine a land of liberty, whose alchemic power purifies and transmutes whatever it touches into gold. The Republic of Athens is no more ; but the genius, and the spirit, and the virtue, which once covered that scanty and rugged soil with glory, now only live in the records of her fame.

“ In the history of provincial servitude no instance can be found so striking, so afflicting, and so humiliating as Ireland of the influence of moral causes in counter-acting the physical aptitudes of nature, and producing weakness and want, and ignorance and wretchedness, where all the outlines of creation seemed formed for power and happiness. For many a long century a deep and blighting gloom had covered this fair and fertile land on which the benignant gifts of heaven seemed to have been poured forth in vain. A light once shone across that gloom. Bright and glorious was that light, but short and transient, serving but to show the darkness which had gone before, and the deeper darkness that followed after. Yes, a light overshone across that gloom ; that light was extinguished by the foulest means that ever fraud or injustice practised ; and now it seems that every attempt to rekindle that light is to be crushed as sedition, and the sentence of de-

pendence and degradation pronounced against Ireland is to be confirmed and made perpetual. Against this sentence my client has raised his voice, and I, not on his behalf alone, but on behalf of the injured and insulted people, raise my voice ; and I call upon you, gentlemen of the jury, by your verdict of acquittal to-day, to aid in averting that sentence. If the spirit of freedom dwells within you—if it warms your breasts and illumines your intellects, I call upon you, by your verdict of acquittal this day, to avert that sentence. I ask for your verdict of acquittal, not as a boon of mercy, not as the safety-valve of doubt, but as the clear, unequivocal, decisive expression of your regard for the rights of nature and the welfare and honour of your native land. By every generous sentiment which can actuate the noble, by every principle of right which can animate the just, I call upon you, by your verdict, to avert that sentence. I ask for your verdict of acquittal in the cause of country—that cause in which ‘Wallace fought and Hampden bled,’ and our own Boroihme conquered ; that cause ever dear to the bravest, the wisest, and the best—unfelt and abandoned only by the recreant and the vile. Did I now address the recreant and the vile, I should indeed despair ; but addressing, as I do, the high-minded and the just, I feel the buoyancy of hope and the confidence of right. I have done. I have appealed to your unprejudiced understandings ; I have appealed to the honest, to the manly feelings of your hearts, and unless the strength of the cause was lost in the weakness of the advocate, I have not appealed in vain.”

I can hardly give a correct idea of the effect pro-

duced by this speech, which Mr. Holmes delivered with an earnestness and energy startling in their intensity. It was impossible to look upon this Nestor of Ireland without recalling many of the important events in Irish history which that "old man eloquent" had seen or shared. The light to which he so feelingly alluded was the noonday of Ireland's greatness in 1782; the darkness which followed after was the rebellion to which his brothers-in-law, the Emmits, fell victims, either by exile or death. The fraud and injustice to which he referred meant the means by which the Legislative Union was accomplished. Mr. Holmes, having taken his seat, felt quite exhausted by his efforts. But he was soon revived, for there arose a shout of applause such as bursts forth only on very rare occasions, and it was renewed again and again. Fully a quarter of an hour elapsed before anything like order was restored, and then the sonorous voice of Lord Chief Justice Blackburne spoke. Turning to the jury, he said, "Gentlemen of the jury, we have a most important duty to discharge; and certainly the most important part of the solemn obligation you are under to assist in the administration of justice is to dismiss from your minds, as far as possible, the impression that must have been made on them by the signal and eloquent address from the traverser's counsel—an address that has never been surpassed in a court of justice."

This magnificent oration had not the desired effect. Jonathan Henn replied on the part of the Crown, and though, as we have seen, in my sketch of this able lawyer, the jury were at first averse to hearing him—



for the eloquence of Mr. Holmes made them almost agree to a verdict of acquittal—Mr. Henn's reasoning caused them to find Mitchel guilty, and he was exiled. He subsequently returned to Ireland, and was elected member for Tipperary. His death prevented the question being decided whether he could have taken his seat in the House of Commons, not having undergone his full sentence. Mr. Holmes had used his pen, as well as his voice, on behalf of his country.

In 1799 he wrote a satirical pamphlet on the subject of the projected Union, entitled "A Demonstration of the Necessity of a Legislative Union of Great Britain and Ireland." Another pamphlet, written by Mr. Holmes, was "An Address to the Yeomanry of Ireland, Demonstrating the Necessity of their Declaring their Opinions upon Political Subjects." And his third work, "The Case of Ireland Stated," has gone through six editions. The last issued from the press in 1847. When his great age prevented his continuing on circuit, the members of the North-East Bar presented him with a most complimentary address, and signified their intention of having his bust placed in the Bar mess-room. To this address Mr. Holmes thus replied:—

"GENTLEMEN,—I have received your address, occasioned by my retiring from the circuit. Be assured that I appreciate most highly the value of this very kind expression of your esteem. I leave circuit at the warning of a faithful monitor—Time; but I leave it with the regret of parting with scenes of social intercourse—which frequent repetition could not deprive me of—of still renewed interest and pleasure. Yes, my friends,

on circuit we have passed together many happy hours of social intercourse, unalloyed by any bitterness of personal jealousy, or petty or sectarian divisions—an intercourse quite compatible with generous emulation, ardent competition, unshackled freedom of thought, and decided difference of opinion. To these hours of cheerfulness and concord, while memory can add to the present good by the recollection of past enjoyment, I must ever look back with satisfaction and pride. And to you, my friends, I warmly wish all the happiness which actual possession, the revivals of memory, and the anticipations of hope can supply. With respect to the distinction which you propose to confer upon me, by setting my bust in the place you mention, I am conscious that I merit such a distinction only by the anxious desire with which I have been influenced to uphold the true interest and honour of our common profession. But under this consciousness, I may perhaps, without presumption, say that I feel much gratified by this further testimony of your approbation and regard.

“ Ever sincerely yours,

“ ROBERT HOLMES.”

Having thus gracefully retired from his circuit, Mr. Holmes shortly after left the Bar, and went to reside in London, where his only child—a daughter—lived. She married George Lenox Conyngham, Esq., and her daughter became Viscountess Doneraile, and she has since resided in her husband's beautiful seat, Doueraile Court, Co. Cork.

Full of years—nearly ninety—and with his faculties

wonderfully vigorous, Mr. Holmes died about the year 1852. He is said to have amassed by his practice over 100,000*l.* He was remarkably handsome, his face full of expression, a clear grey eye; long, well-shaped nose, small mouth, with rounded chin; an expression of cheerful good humour lighting up his features. When I knew him his locks were like the snow, but I was told in youth they were black as a raven's. I have great pleasure in giving this sketch of the finest specimen of the old Irish Bar with whom it was my pride and pleasure to have been associated while I was a practising barrister.

## CHAPTER XXIV.

## RICHARD AND EDWARD PENNEFATHER.

The brothers born in the County of Tipperary, Richard in 1773, Edward in 1775. — Portarlington. — University career. — Richard obtains an optime. — Law students. — Called in 1795. — Character of the brothers. — Richard a leader on the Munster Circuit. — Appointed a Baron of the Exchequer. — A judge for thirty-eight years. — Judicial fitness. — Resigned in 1859. — The Bar Address. — Death in 1859. — Edward Pennefather a most eminent Equity lawyer. — A Sergeant in 1830, Solicitor-General in 1834, again in 1841. — Attorney-General in 1842. — Lord Chief Justice. — The State Trials of 1844. — Death in 1846.

## THE O'LOGHLENS.

The County of Clare eminent for its lawyers. — Michael O'Loughlen. — Anecdote of his childhood. — School of Ennis. — Character as a student. — Habit of early rising. — Called in 1811. — His slow practice. — First great argument. — His signal success. — Succeeds to O'Connell's practice. — Sergeant in 1830. — Solicitor-General in 1834, again in 1835. — The liberty of the Press. — Challenges in Government prosecution. — Represents Dungarvon. — Law Reforms. — Spirited defence of his character. — Succeeds Sir W. C. Smith as Baron of the Exchequer. — First Roman Catholic Judge since the Revolution. — Master of the Rolls in 1837. — Judicial qualities. — Death in 1842.

SIR COLMAN M. O'LOGHLEN, BART., Q.C., M.P., SERGEANT-AT-LAW.

Born in 1819. — Called to the Bar in 1840 — His literary tastes. — Sir Colman's cards. — His quickness in detecting flaws in

pleadings.—Intimate with the Young Ireland leaders.—Counsel for O'Connell in 1844.—Who killed the indictment?—Result of the rising in 1848.—Is made Queen's Counsel.—Chairman of Mayo.—Member for Clare.—His popularity in the House of Commons.—Opens the office of Lord Chancellor of Ireland to Roman Catholics.—Inauguration address at O'Connell's statue in 1865.—Judge-Advocate-General.—Resigned this office.—Letter to the author in 1870.—Crown prosecutor on the Munster Circuit.—Sudden death on 22nd July, 1877.—Sir Bryan O'Loughlen at the Melbourne Bar.—Returned M.P. for Clare.—Mr. Michael O'Loughlen a talented member of the Irish Bar.

RARELY has any family produced more estimable men, more distinguished lawyers or famous judges, than the two brothers of the house of Pennefather. As these eminent members of the Bench and Bar of Ireland were contemporaries, I propose to narrate the story of their lives in the same chapter.

They were born at Knockeven (Darling Hill), on the banks of the Suir, about midway between Clonmel and Cashel. Major Pennefather, their father, represented this ancient and historic borough in the Irish Parliament. Richard, the elder of the brothers, was born in 1773, and Edward in 1775. At the time they had grown to an age to be sent to school, Portarlington was selected as the place where they were to be instructed. Here many of the French Huguenots found refuge when driven from France by the revocation of the Edict of Nantes, and their descendants founded schools, to which the youth of Ireland flocked for instruction. When well-grounded in the ordinary branches of the great tree of knowledge, the brothers Pennefather were prepared for the University in the

Endowed School of Clonmel, the capital of their native county—and proud should it be of such pupils. Nothing could be more brilliant than their collegiate career. Honour after honour—prize after prize—medals—money—distinctions from the heads of Trinity College, Dublin, rewarded their intellectual triumphs, and to Richard was assigned the rare distinction of an *Optime*, conferred only seven times since the foundation of the University in the reign of Elizabeth. The Bar was deemed the profession best suited to their rare talents, and both became students of King's Inns, Dublin. They had able and gifted companions: Robert Holmes, the Emmets, Thomas Lefroy, Louis Perrin—names well known in after-years—were contemporaries. Having completed their terms, both brothers were called to the Bar in 1795.

They were not alike in intellect. Richard's possessed more clearness and profundity than that of his younger brother. He displayed little taste for any pursuit save that to which he devoted his life, and, to the last, he took the greatest pleasure in discussing law. Edward's mind was more diffuse and cultivated. He was a most eloquent and graceful speaker, loved literature, and preferred the broad principles of equity to the minute technicalities of special pleading, in which Richard revelled.

Both rapidly obtained practice. Richard's logical mind and quick perception enabled him at once to see the weak points in his adversary's armour, and he soon showed how to conquer. He became one of the leaders of the Munster Circuit, and, having been made King's Counsel, was looked on as sure of

a seat on the Bench. It was not long deferred. He tells us himself,—

“ On the 12th of February, 1821, I received a letter from Mr. Gregory, the Under-Secretary to the Lord-Lieutenant, Earl Talbot (the Chief Secretary, Mr. Grant, being in England), stating his Majesty’s letter for appointing me to fill the place of one of the Barons of the Exchequer had arrived at the Castle. The patent for my appointment was very speedily made out, and I was sworn on the 14th February, being the second of the eight days after Hilary Term, at the Chancellor’s<sup>1</sup> house, and on the same day I took my seat on the Bench. On the 15th, the Lord-Lieutenant held a *levée* at the Castle, which I attended as a Baron, and was very graciously received—thus concluding, through God’s mercy, a very prosperous Bar life in my forty-eighth year, and through the same Divine mercy, in which I put my trust, do I humbly hope to acquit myself in the arduous and trying situation in which I am now placed, as may become a lawyer, a judge, and a Christian.”

And well and faithfully, for the long space of thirty-eight years, did this Christian lawyer discharge the arduous duties imposed upon him. His clearness of comprehension, his well-stored mind, his great legal experience, his untiring patience, and quiet, courteous manners, made him greatly beloved. For a long portion of this time the Court of Exchequer was an equitable as well as legal tribunal; and, whether the suit was commenced by bill or declaration, Baron

<sup>1</sup> Lord Manners was then Lord Chancellor of Ireland.

Pennefather was able to deal with it. He was, in the quaint language of Sir Edward Coke, "a sage and reverend expositor of our law, who pridet himself less in fine conceits than in sound discernment and gravity of manners." Failing health and loss of sight caused the Baron to tender his resignation in 1859, and the Bar presented him with a cordial address. It was signed by four hundred and seventy-two members of the Bar, and on the 10th February, 1859, I witnessed its presentation. On the afternoon of that day the spacious library of the Four Courts, Dublin, was thronged with members in Bar costume. The venerable Judge looked remarkably fresh and vigorous, as he took his seat before the table, on which lay a capacious box containing the address of the Bar.

Then the Father of the Bar, himself a venerable man, who had sat over "sixty years since" in the Irish House of Commons, Sir Thomas Staples, Bart., read the address in a clear and distinct voice. It was couched in most eulogistic terms. When read, the Baron expressed his fear "that his voice could not reach throughout that large space, and hoped his brethren of the Bar would allow his son, who delayed his departure from Ireland in order that he should be present upon that occasion, to read his reply." Thereupon the Rev. Mr. Pennefather delivered his father's reply in that peculiar intonation which Churchmen use. It was well written and well received.

We did not expect the Baron was so near death. He soon succumbed, and, as the early autumn denoted the winter at hand, the just Judge and Christian



lawyer went to that tribunal where we all hope to find mercy.

The career of EDWARD PENNEFATHER was more marked by official changes than that of Richard. Though neither became politicians in a party sense, or entered Parliament, which in Ireland is the usual road to office, their professional fame and social position served instead, and, as we have seen, Richard became a Judge in 1821.

Edward Pennefather became one of the leading equity lawyers at the Irish Bar. His profound knowledge of the principles and pleading of suits, and his inimitable Court manner, soon made him one of the barristers in best practice in Chancery, the Equity, Exchequer, and the Rolls. He was appointed a sergeant on the resignation of Sergeant Lefroy in 1830, and continued in this rank until Sir Robert Peel became premier in 1834, when he filled the office of Solicitor-General, while that of Attorney-General was held by the Right Hon. Francis Blackburne. The changes in the political kaleidoscope quickly displaced both these officials, and Mr. Pennefather practised at the Bar thence until the Tory administration of 1841 restored both Blackburne and him to their former stations in the Government.

The lamented death of Sir Michael O'Loughlen, in 1842, having caused the Attorney-General to become Master of the Rolls, Mr. Pennefather succeeded as first law officer of Ireland.

The retirement of Lord Chief Justice Bushe relieved Mr. Pennefather from further anxiety respecting the ins or outs of Government. He was appointed

successor to Chief Justice Bushe, and this high office lost nothing of its dignity by the change. He presided at the state trials of O'Connell and others in 1844, and resigned in 1846, in which year his death took place. He left a son, also named Edward, a very respected member of the Irish Bar.

#### THE O'LOGHLENS.

The County of Clare claims many distinguished members of the Bench, the Bar, and Attorney profession. We have already noticed several in our sketches of Lysaght and the Henns. We now desire to record the career of both father and son, who won fame and station by the union of high talents with every virtue that can elevate a man—Sir Michael and Sir Colman O'Loughlen.

The family had a far-back ancestry in the County of Clare, where Sir Michael was born. An anecdote of his childhood attests his character, which was always to do what was the object of his especial work. In the season when nuts hung temptingly in clusters in the woods of Clare, he set forth with his elder brother to gather nuts. When the two boys came home in the evening, Michael was seen to have nearly double the quantity collected by his elder and stronger brother.

"Why, Michael," asked their father, "how does it happen you have more nuts than your brother, who, being taller, might have got them more easily?"

"I suppose it was because he went out to play, while I went out to gather nuts," was the child's very intelligible answer.

Ennis possessed one of the best classical schools in

Ireland, and here Michael received the benefits of a liberal education. He entered Trinity College, and had as his fellow-students many afterwards brother practitioners at the Bar, Richards, Baron of the Exchequer, Woulfe, and Shiel. He was distinguished by his gentleness, almost amounting to timidity of manner, and his unwearied diligence as a student.

Having resolved upon the law for his profession, he applied himself very ardently to store his mind with legal lore. He was endowed by nature with a clear and strong intellect, great reasoning powers, a pleasing voice, and a love for labour. Aware of the advantage of early rising to master work, he accustomed himself to leave his pillow at five in the morning, and no doubt this habit proved extremely advantageous to him when briefs came in shoals.

Michael O'Loghlen was called to the Bar in 1811, and went the Munster Circuit. He was soon compelled to work by more than ambition. He married early, and, having no patrimony but his profession and rare talents, sought to advance himself for the sake of his family, as a good husband is bound to do. Practice did not come very soon, and for four years he might be seen with note-book in hand, diligently reporting in the courts, listening to the arguments of counsel, or the decisions of judge, patiently biding his time.

One of those accidents which Providence uses to further its Almighty plan brought the rare legal talents of the unknown Clare junior to light. Towards the close of February, 1815, Daniel O'Connell fought the duel with D'Estere, in which the latter was killed.

Next morning a very important case was fixed for argument in the Court of King's Bench, Dublin, in which O'Connell was senior, and O'Loghlen junior. A strong array of silk gowns was opposed to the stuff, and, when the case was called, only Mr. O'Loghlen appeared for the plaintiff. He modestly stated that, owing to the melancholy result of the duel, Mr. O'Connell was away, and it was impossible for him (Mr. O'Loghlen) to argue a case of such importance without better preparation. He therefore asked to have the case postponed. The opposite counsel objected, and pressed it on. The Lord Chief Justice, Lord Downes, and the other members of the Court encouraged the young barrister to proceed, and with that courteous attention to the difficulties of a young man thus suddenly called upon, kindly directed him to apply his argument to such portion of the case as they felt requisite to inform the Court. Thus encouraged, Mr. O'Loghlen soon obtained confidence, and while his youthful appearance, his modesty of demeanour and unassuming manner, prepossessed the Judges in his favour, his clearness of statement, legal precision, and masterly application of cases and principles, surprised, while it delighted, the Court. He went on and on, citing authorities and establishing propositions in favour of his client, and when he sat down, after speaking for two hours, he received the marked eulogium of the Bench, and even the opposing counsel could not refuse to praise.

The case remained at argument for several days, and when the opposite Bar completed their arguments, as O'Connell was still absent, Mr. O'Loghlen replied. If

his opening address surprised his auditors, his reply satisfied them he was a most able lawyer. He took up the arguments of the opposite counsel *seriatim*, and demolished them, and, by his lucid exposition of his client's case, gained the unanimous judgment of the Court.

O'Connell warmly congratulated his worthy colleague, and his hearty recommendation soon obtained O'Loghlen's name to be endorsed on the back of the briefs sent to O'Connell as senior counsel. When the vortex of politics absorbed O'Connell's attention, previous to and after the Emancipation in 1829, Mr. O'Loghlen succeeded to much of his large practice. He was accustomed to place the shillings he received with the pounds (guinea fees) in a box for his wife, and, I was told, in one term they numbered fifteen hundred.

Emancipation having removed the shackles which prevented Roman Catholics from rising at the Bar as elsewhere, O'Loghlen was speedily marked out for promotion. In 1830 he became Sergeant. While Sergeant he was making a speech at some public meeting, and, referring to Lord Ingestrie, said "the people usually called him Lord Industry;" whereon one of the crowd, resolved to have a laugh, shouted "Bravo, Surgeon MacLachlen!"

In 1834 Sergeant O'Loghlen became Solicitor-General, but was soon displaced by a change in the administration. The Whigs were soon again in office, and the ensuing year found Perrin Attorney, and O'Loghlen Solicitor-General. Both worked harmoniously together, and administered the criminal law in a manner to inspire confidence throughout the land. Press prose-

cutions for libel, or what were deemed such by their Tory predecessors in office, were not favoured by these law officers. When O'Loghlen was asked "why he did not prosecute," he replied, "While I remain in office, the Press shall be free. Its language indeed must be extravagantly licentious, and utterly subversive of that sound liberty which, in its healthy state, the Press tends so much to uphold, before I shall be its prosecutor. The Government which I serve has no desire to make every ebullition of passionate feeling in public writers amenable to law." Such words as these deserve to be remembered. The abolition of challenge of jurors, in cases where the Crown prosecuted, gave much greater confidence in the administration of the criminal law to the public than formerly prevailed, when juries were carefully *selected*, and while no one was more careful to uphold the majesty of the law, Mr. O'Loghlen was resolved its purity should be above suspicion. He was member for Dungarvon in the House of Commons, where he effected many very beneficial reforms in the administration of law in Ireland. He caused the jurisdiction of the Quarter Sessions Courts to be greatly extended, and thus brought justice home to every door. This has now been carried to such an extent as to divert a large portion of the work formerly transacted in the Superior Courts to the County Courts throughout Ireland. Mr. O'Loghlen was much liked in the House of Commons, where business habits, accuracy, and fairness in statement are highly prized. Yet he could be very emphatic on due occasion. Take an instance :—When the Irish Church Bill came back to the Commons, with the Lords'

amendments, he said, "This Bill I have supported, this Bill I shall continue to support. For doing so let me be called again, as I have already been called, 'a stupendous perjurer.' If that character and humane language be again applied to me, I cannot help it. I deny that I have deserved it. I trust in God I never shall deserve so infamous a character. I solemnly deny I ever was the enemy of the Protestant Church or of the Protestant clergy. Many of my dearest friends are members of that Church. I feel, in supporting this Bill, I do no injury to the cause of the Protestant religion. I feel that man does more injury to the cause of that religion, who, raised himself to eminence in the Church, be it by learning, by piety, by zeal, or by intrigue, is not awed or deterred by a sense of the responsibility attached to his high station, from assailing with calumny the conduct and character of the man who differs from him in religion; who, instead of promoting peace and good-will among men, as the duty of a Christian pastor dictates, busies himself in fanning into flames the expiring embers of strife and contention, who desecrates the sacred functions of the sacerdotal office by mixing up religious discords with party prejudices, who evinces himself the slave of all the bad and bigoted passions that debase the human character, and who, a stranger to every feeling of Christian love and charity, wears the unenviable notoriety of being the diffuser of every calumny which either political malice or religious animosity can invent."

This indignant rebuke to the Right Rev. Prelate, who, in the House of Lords, so grossly called him "a

stupendous perjurer," shows the Right Hon. Michael O'Loghlen was not the man to submit tamely to insult. But his Parliamentary career was about to close. The long tenure of the Bench by Baron Sir William Cusac Smith closed in 1836, and in the Michaelmas Term of that year the Right Hon. the Attorney-General became Baron O'Loghlen. He was the first Roman Catholic, since the time of James II., thus elevated, and never did any judge discharge his important duties more ably and impartially. While he sat in the Exchequer, the Anti-Tithe agitation was in progress, and many suits for tithes were pending. These the Catholic O'Loghlen disposed of with as much freedom as the Protestants, Joy, Pennefather, or Leslie Foster, who sat beside him. The business of the Exchequer was then exceedingly heavy, but an able hand was there, and, with O'Loghlen's help, the Court rapidly disposed of the work. Motions—cases of law or equity—arguments—suits—all were promptly disposed of, and the Barons felt they gained a great acquisition in their new brother. He did not remain long with them. The death of Sir William McMahon, who had filled the office of Master of the Rolls since 1814, left that important judgeship at the disposal of the Crown, and the unanimous voice of the legal profession proclaimed Baron O'Loghlen was the best man to fill it. Accordingly, on the 28th January, 1837, he was transferred from the Bench of the Exchequer to the Rolls, and created a baronet.

And here, to the time of his death, did this eminent judge discharge the arduous and laborious duties. His great resources, his knowledge of law and practice,



his untiring attention and courtesy, soon won him universal approbation, and, while he was courteous to all, he was most kind and encouraging to the juniors. He cheered them with a smile, he encouraged them by his words, he overlooked any little deficiency, and helped them as far as he could.

I occasionally met him in Dublin society, and the same unobtrusive gentleness which he displayed when a boy remained with him when he held rank and station. His useful and valuable life terminated in 1842, amid very profound regret,

SIR COLMAN M. O'LOGHLEN, BART., Q.C., M.P.,  
SERGEANT-AT-LAW.

SIR MICHAEL O'LOGHLEN, Master of the Rolls, had no less than three sons called to the Bar—Colman, Bryan, and Michael. On his lamented death, in 1842, he was succeeded by his eldest son in the Baronetcy, who thereon became Sir Colman O'Loghlen.

This worthy son of a worthy sire was born in 1819, and evinced great love of learning. Having been carefully educated at Stoneyhurst College, in Lancashire, he graduated in the Queen's University of London, and studied for the Bar. He was called in 1840, having then barely attained his twenty-first year, and he and I soon became personal friends—a friendship unruffled by a single cloud. He possessed great literary taste, and took a lively interest in my productions; but I could not discover any literary work proceeding from his pen. In Duffy's Library for Ireland, those valuable shilling volumes contributed chiefly by

the Young Ireland party, Sir Colman O'Loughlen was advertised as the author of "Irish Lawyers of the Eighteenth Century;" but the book never appeared, nor could I find from him if he had made any progress in its composition. When with us on the Munster Circuit he compiled "Circuit Notes," published in thin volumes, which Judge Torrens once sneeringly termed "Sir Colman's Pack of Cards." He showed, when called, rather more ingenuity and quickness in detecting flaws in his opponent's pleading than depth or profundity in grasping with legal principles, and this, I think, rather injured than served his reputation as a lawyer. He early became very intimate with the leading men of the Young Ireland party, especially Duffy, Davis, Mitchel, and Smith O'Brien.

Although sensible of the danger of their teaching, and preferring the more sagacious, if tamer, policy of O'Connell, to whom he was greatly attached, Sir Colman did not fail to discern how much of love of country was in the hearts and desires of the Young Ireland party. He was junior counsel for O'Connell during the state trials in 1844, and his legal acumen helped to embarrass the Crown very considerably. On the occasion of his causing one indictment to be quashed, I wrote some verses in the style of the great poem, which asks the defiant question, "Who killed Cock Robin?" Of these lines, I only remember the first verse:—

"Who killed the Indictment?"

'Twas I, said Sir Colman—

Through the Indictment a hole ran;

I killed the Indictment."

During these protracted trials he showed great skill and professional talent.

When the wild attempt at insurrection by a half-starved, wholly undisciplined and unarmed parcel of enthusiasts was made in 1848, of course it could have only one result—the failure and arrest of those who were the instigators. A few escaped, others were taken. They were tried at Clonmel before Chief Justice Blackburne, Chief Justice Doherty, and Judge Moore; and defended by Whiteside, Q.C., whose address to the jury on behalf of Mr. Smith O'Brien and Mr. T. F. Meagher was singularly able and eloquent.<sup>2</sup> Sir Colman O'Loughlen was made one of her Majesty's Counsel in 1852, and shortly afterwards obtained the Chairmanship of the Court of Quarter Sessions for the County of Mayo, which he subsequently resigned. The death of Mr. Calcutt having caused a vacancy in the representation of the County of Clare in 1863, Sir Colman O'Loughlen was selected to represent his native county; and his cheerful good temper, kindness of heart, and attention to his Parliamentary duties, won him extreme popularity in the House of Commons. He was no idle legislator, and the volumes of Hansard, during his Parliamentary career, bear the fullest evidence of his untiring industry. Among those measures, which he either originated or promoted, was the opening the office of Lord Chancellor of Ireland to Roman Catholics, which was acted on in the case of Lord O'Hagan. This deserves to be remembered as his work.

<sup>2</sup> *Vide* my Memoir of Chief Justice Whiteside in the *Law Magazine* for May, 1877.

On the 3rd October, 1865, Sir Colman delivered the inaugural address on the unveiling of the statue of O'Connell at Ennis, and his speech on that occasion displayed great beauty of thought and propriety of language. He adverted to the penal laws, "not, I assure you," he said, "to revive animosities or rekindle passions which have so long slept in oblivion, and which, I hope, will sleep on for ever; but in order to point out the great services O'Connell rendered us by showing the difficulties he had to contend against."

He had no sectarian feelings or party antipathies, but was equally dear to his Protestant as to his Catholic friends. The ministry of Mr. Gladstone, mindful of his high character, were desirous of having him in office, and the post of Judge-Advocate-General was conferred upon him. The emoluments were considerable, and he discharged the duties with ability and precision. Unfortunately proceedings in the Court of Bankruptcy were taken at the suit of a hostile creditor, and, by an erroneous decision, he was adjudicated a bankrupt. From this decision he appealed, and, without waiting the result of the appeal, he was so sensitive that he could not bear the idea that any member of Mr. Gladstone's Government could be considered a bankrupt. Under this feeling he tendered his resignation of the office of Judge-Advocate-General, greatly to the regret of his many friends, for hardly were arrangements for his successor completed before the Court of Appeal reversed the decision below, and declared he was *not* a bankrupt.

In 1870 I published my Bar Life of O'Connell, which

I dedicated to him. I had a copy handsomely bound for him, and record the following acknowledgment:—

“*Monday, February 7th, 1870.*

“MY DEAR O'FLANAGAN,—

“Many thanks for the splendidly bound copy of your ‘*Bar Life of O'Connell*,’ which you have sent me, and for the honour you have done me by dedicating the work to me. I shall read it carefully, and I have no doubt I shall find it worthy of the author and worthy of the man whose career it describes.

“I remain, my dear O'Flanagan,

“Yours very sincerely,

“COLMAN M. O'LOGHLEN.”

Whenever we met, the same cordial, kindly feeling was displayed, and I never can forget how pleased he expressed himself at the reception my “*Lives of the Lord Chancellors of Ireland*” met with from the English and Scotch reviewers.

When I was preparing my “*History of the Munster Circuit*” for the *Dublin University Magazine*, in which it appeared in 1876, I had a kind communication from him.

As one of the Sergeants-at-Law he was entitled to hold a brief in the cases prosecuted by the Crown on his circuit, and he was proceeding to discharge his accustomed duties on the 22nd July, 1877. Up to this period he had been, as usual, attending the House of Commons, and on the 20th July he voted in the division for the release of the men detained in prison as Fenians. He also took part in the discussion of the Irish Judicature Bill, then passing through the

House. He complained of an affection of his heart, and was ordered some medicine. On Saturday, 21st July, he left London for Ireland, in order to join the Munster Circuit. While crossing in the mail-packet from Holyhead to Kingstown, Sir Colman felt unwell, and asked the steward for a glass of water. Into this he poured some of the medicine he had been prescribed, but had no sooner swallowed it than he expired. I need scarcely say his sudden death was a deep and poignant grief to his family and friends, and they were all who had the happiness of knowing him. He never married, and his title and the family property devolved upon his next brother, now Sir Bryan O'Loughlen, Bart. This gentleman had been for some years in considerable practice in Melbourne, Victoria. He was instantly selected by the freeholders of the County of Clare as the fitting successor of his respected brother, and returned without opposition; but his appointment as Attorney-General for Victoria, and prospects in Victoria, where he was also elected a member of the Colonial Parliament, caused him to remain still in that colony.

Michael O'Loughlen, third son of Sir Michael O'Loughlen, Master of the Rolls, is also a barrister, and for some time practised on the Munster Circuit. He possesses great natural talents, and is a sound and well-read lawyer. If his infirm health permitted his attention to his profession, I make no doubt he would still more raise the high reputation of his name and family in the legal annals of Ireland.

## CHAPTER XXV.

## RIGHT HON. JUDGE PERRIN.

Louis Perrin of French extraction.—His mother Irish.—Mr. Perin left a legacy of 30,000*l.*—Louis educated at Armagh.—Obtains a Scholarship in Trinity College in 1799.—Parting with Robert Emmet in 1803.—A diligent law student.—Called to the Bar in 1806.—Employed in Mercantile Cases.—Advanced by Robert Holmes.—Defends Watty Cox.—The North-East Circuit.—“Honest Louis Perrin.”—Elected for Dublin in 1831.—Sits for Monaghan.—Appointed a Sergeant.—Attorney-General and Member for Cashel.—Anecdote of him.—A Judge of the King’s Bench in 1835.—Judicial qualities.—Hospitalities.—Anecdotes.—My last visit.—Resignation in 1860, and death in 1864.

## RIGHT HON. JUDGE BALL.

Nicholas, son of John Ball, born in 1791.—Educated at Stoneyhurst.—Graduate of Trinity College, Dublin.—Fellow-students and fellow-tourists.—Called to the Bar in 1811.—Great Equity practice.—Sergeant in 1836.—Attorney-General in 1838.—Member for Clonmel.—Ball and supper.—Judge of the Common Pleas in 1839.—Ability at *Nisi Prius*.—Anecdote.—Death in 1865.—His nephew, Sergeant Sherlock, Q.C., M.P.

THE career of this distinguished Irish lawyer being associated with that of Sir Michael O’Loghlen, I propose to sketch him in the next chapter. The materials are not very abundant, but what I have collected will, I trust, be found accurate.

Louis Perrin, as the name imports, was of French extraction, the descendant of one of the refugees who found shelter in Ireland when exiled for conscience sake from their native land. The mother of Louis Perrin was an Irish lady, of the very respectable family of Daly, and I have heard her spoken of as a lady of great amiability and cultivated mind. There were many children besides Louis, and the means of providing for these children was a difficult problem, until the death of Mr. Perrin's brother, who amassed a fortune of about 30,000*l.* in the East Indies, and left it to his brother.

To this period the family resided in the province of Ulster, and Louis Perrin was a pupil of the Diocesan School of Armagh. He seems to have been more a plodding than a brilliant student, but was successful in gaining a scholarship in Trinity College, Dublin, in 1799,—a sure proof of great knowledge of classics and general learning.

I have been told that on the trial of the celebrated Robert Emmet, who was convicted of high treason in 1803, two of his fellow-students who were in court when Lord Norbury, Chief Justice of the Common Pleas, pronounced the dread sentence of the law, rushed to the dock, and in presence of, and undeterred by, the presence of the grave officials of Justice, gave Emmet a parting embrace. One of them was Robert Griffin, afterwards D.D., Bishop of Limerick, the other Louis Perrin, one of the Justices of the King's Bench. When he resolved to study for the Bar, Mr. Perrin devoted himself with the determination, so strong in his character, to achieve a thorough knowledge of his future profession. Cold in disposition, and caring



little for amusement, he shunned rather than courted society. He loved to meet with diligent students like himself, and discuss points of pleading, or cases of doubtful law with them. Having kept the prescribed terms in Dublin and London, he was called to the Irish Bar in Hilary Term, 1806. Few ever came to the Bar more accomplished lawyers. He had great knowledge of the laws of pleading and evidence, and was especially versed in mercantile law,—a branch not very much studied by the general class of Irish law students. When Mr. Perrin began to be heard in the courts, his reputation as a mercantile lawyer was of great benefit to him. He was also much employed in cases where penalties for breaches of the Revenue laws were sought to be enforced, and on all questions of *Nisi Prius* law he was perfectly familiar. One of the lawyers of that time, who was getting a great practice, was Robert Holmes, and he lost no opportunity of advancing the prospects of Mr. Perrin. I make no doubt the fearlessness with which Mr. Perrin bade adieu to Robert Emmet, who was Mr. Holmes's brother-in-law, conduced much to this. O'Connell also displayed his usual sagacity in judging mankind, and soon recognized the high character, personal and professional, of the young barrister. When Watty Cox, the proprietor and publisher of *Cox's Magazine*, was prosecuted by Government for a libel in 1811, O'Connell, Burke Bethel, and Mr. Perrin were employed for the defence. O'Connell, of course, was an admirable lawyer, but Bethel knew a great deal more about a case of claret than a case of law, and Perrin and O'Connell had the work, but O'Connell was often engaged elsewhere, and

had to leave the case very much to his junior. He showed such marked ability as to gain the friendship of the Solicitor-General, who prosecuted on that occasion—the accomplished Charles Kendal Bushe.

Mr. Perrin went the North-East Circuit and had very large practice for many years. He was a Whig in politics, supported Catholic Emancipation, and was so respected for his character and conduct as to acquire the title of “Honest Louis Perrin.” In 1831, in conjunction with Sir Robert Harty, he was elected representative in Parliament for the Irish Metropolis. Being unseated, he was returned for Monaghan. He also in that year was nominated by the Crown as Sergeant-at-Law, and in 1834, when the Whigs succeeded in holding the patronage of the Crown, Sergeant Perrin succeeded the Right Hon. Francis Blackburne as Attorney-General. Having vacated the seat for Monaghan by accepting office, he was returned for the borough of Cashel. One of his Cashel constituents, a man of great natural talent, who belonged to the Young Ireland party, and died an exile from his native land was Michael Doheny. He told me the following anecdote:—

“I was sitting one night in the Speaker’s gallery of the House of Commons, while the Irish Corporate Reform Bill was in progress, and Perrin was making, if not an eloquent, a very powerful and argumentative speech. A gentleman, very plainly dressed, inquired of me who was addressing the House.

“‘Oh,’ said I thoughtlessly, ‘he’s our Member.’

“‘I have to trespass on you, sir,’ he replied, ‘and ask you to be a little more explicit.’

“‘I beg your pardon,’ I said, ‘he is Member for Cashel.’

“‘But who is Member for Cashel?’

“‘Why, that gentleman, the Attorney-General for Ireland.’

“‘I’m afraid you will think me extremely ignorant,’ replied the stranger, ‘but I really do not know who is Attorney-General for Ireland at present.’

“‘I then said, ‘Mr. Perrin.’

“‘What, honest Louis Perrin?’

“‘Yes.’

“‘The Catholic Emancipator’?

“‘The same.’

“‘Then I am very glad I have heard him,’ he said, and he listened with unflagging attention while Perrin made a telling speech. He then said ‘he would be glad if I went up with him to the refreshment-room, and take a glass of wine.’ Not wishing to leave the gallery during the debate, I thanked him and declined. He shook hands, and bade me good-night. When he had left, I asked some friend ‘if he knew who my companion was?’ ‘Well,’ he said, ‘he inherits the best blood of all the Howards—the Duke of Norfolk.’”

Mr. Perrin effected great good for Ireland when in the House of Commons. He did much to prevent Grand Jury jobbery. His speech introducing the Irish Municipal Reform Bill was a masterly speech. He was untiring in his efforts to check intemperance by closing public-houses at 11 p.m.

On the death of Judge Vandeleur, in the summer of 1835, the vacant seat in the King’s Bench was accepted

by the Attorney-General, who thenceforward was one of the most Constitutional Judges who ever sat on the Irish Bench.

As a judge, the great qualities of his mind shone forth. His strong sense of right, his stern denunciation of wrong, his great sagacity, were fully developed. He seemed to me to be thoroughly imbued with the spirit of our great legal commentator, who said, "Law is the science which inculcates the difference between right and wrong, which enables us to assert the one and to prevent, punish, or redress the other—a science which employs in its theory the noblest faculties of the soul, and exerts in its practice the cardinal virtues of the heart, which is universal in its use and extent, accommodated to each individual, but adapted to the whole community." Thus from term to term and circuit after circuit, for nearly a quarter of a century, were the laws administered equably by this able and just judge. He was most diligent and painstaking in the discharge of his important functions. To any argument that bore upon the case before him, he displayed great attention, but if irrelevant topics were introduced, a very significant grunt showed the advocate the Court was not with him. He held the scales of justice with a firm and steady hand, and, as between the Crown and the subject, there was no inclination of the scales to either side. He was very social and hospitable, and entertained his friends either at his town house in Granby Row, Rutland Square, or at his country villa. While writing to an eminent member of the English Bench,<sup>1</sup> I mentioned that "I was pre-

<sup>1</sup> The Honourable Mr. Justice Denman.

paring a sketch of the late Judge Perrin, with whose name I was sure he was familiar." The return post brought me a letter containing a passage which I venture to print:—

"Judge Perrin happens to be the member of the Irish Bench with whom I had the most acquaintance. I think it was in the year 1846 that he entertained me most hospitably, for about ten days of the long vacation, at his house at Clontarf; and I never enjoyed a visit more thoroughly. Though it was long vacation, he introduced me to several most kind and hospitable members of the Irish Bench and Bar, in whose society I enjoyed many pleasant days. Brady, Lord Chancellor; Monahan, then Attorney-General; Jackson, Judge; Hatchel, the Solicitor-General or Law Adviser, and others; and I had the gratification of hearing Mr. Holmes cross-examining a clever witness in a manner which beat any comedy I ever witnessed."

Judge Perrin possessed a fine physical constitution, and liked his court well ventilated. I remember when we went circuit without wearing our Bar costume, and often suffered from having no protection for our heads, for the wind rushed through the windows opened by order of Judge Perrin. Mr. J. S. Townsend, sitting directly beneath the open skylight of the Cork Court-house, was so inconvenienced by the cold air that he tied his pocket-handkerchief round his head to shield it from the March blast. Thus arrayed, he rose to address Judge Perrin.

"I don't think it's respectful to the Court, sir, that you should wear that head-dress," said his lordship.

“If your lordship will order the window over my head to be shut, I’ll take it off,” was my friend’s sturdy reply.

The Judge looked rather puzzled what to do before he said, “’Tis better for me to consult my health than your appearance. Go on, Mr. Townsend.”

He was very intolerant of noise, and we sometimes played tricks to excite him. Once, when a haughty country squire, ignorant of the geography of the intricate Cork Court-house, was bewildered in the passages, and vainly essaying to enter Judge Perrin’s Court, we sent him to the door close to the Bench, and bade him *knock* or *kick* very loudly, that he might be heard. This he readily performed, to the great indignation of Mr. Justice Perrin, who sent a policeman to take the offender into custody for contempt of Court. But as he was personally acquainted with the offender, who made an ample apology, he was not sentenced.

In society the Judge was hospitable and genial. He was always most friendly to me.

I had a message from him in 1859, brought by the then Attorney-General, now Lord O’Hagan, that the Judge wished me to call at his house in Granby Row. I found him lethargic and infirm. He told me he wanted a crier, and had been applied to by a very respectable young man, who had filled that capacity with a late intimate acquaintance of mine, and asked “if I could recommend him;” I replied that “he was a very excellent person, but, while in my friend’s service, had the misfortune to become insane, so I could not say if he was quite recovered.” I said, “Dr. Nugent, Commissioner of Lunacy,” who I knew was well ac-

quainted with the Judge, and also knew the subject of inquiry, "would satisfy him upon this point."

My information, however, I think was ample, and I do not believe the Judge spoke to Dr. Nugent on the matter.

This was my last personal interview with the Judge. He resigned his seat on the Queen's Bench in 1860, and was succeeded by an able and excellent lawyer, then Attorney-General, Right Hon. J. D. Fitzgerald. The ex-Judge went to reside at a villa near Rush, on the coast, and I understand his habits of dispensing justice were so strong that he used to attend at Petty Sessions, to the great pleasure of the County of Dublin Magistrates, who felt quite proud of his attendance on their Bench. He sustained a severe trial in the death of his eldest son John, who had obtained some distinction at the Bar. He filled the lucrative office of Counsel to the Castle, when the present Lord Justice Christian ceased to hold it.

The office was in the gift of the Irish Government, who granted it at the request of the Judge, and the wits said "Johnny Perrin got his place by *Paternal* solicitude and *Christian* Resignation."

The venerable ex-Judge died at his seat at Rush on the 7th December, 1864.

#### RIGHT HON. JUDGE BALL.

One of the most agreeable, accomplished, and pleasant members of the Irish Bench with whom I had the pleasure of being acquainted was the late Judge Ball. He had travelled much, was well read, and able to appreciate the writings of those who knew what they

wrote about. Our acquaintance arose on the Munster Circuit, where he presided on the Bench, and I was a frequent guest at the Judge's table.

Nicholas Ball was a native of Dublin, the only son of John Ball, Esq., a citizen of credit and renown, who amassed a considerable fortune by mercantile pursuits. The Judge was born in 1791, and when of an age to be placed at school, his pious Catholic parents put him to the renowned seminary of Stoneyhurst, in Lancashire. Here, under the careful culture of the oft-maligned sons of St. Ignatius of Loyola, the Jesuits, young Ball was well grounded in the education of a gentleman, and left Stoneyhurst well prepared for his University career. While graduating in Trinity College, Dublin, he had for his associates several who were afterwards his contemporaries at the Bar and the Senate—Stephen Woulfe, Richard Shiel, and Michael O'Loughlen. Having taken his degree in the University, he became a law student, and, before settling down to the practice of his engrossing profession, made a tour of Europe in the society of very accomplished friends. When I name William Henry Curran, Thomas—afterwards Sir Thomas—Wyse, our minister at Athens, I have said enough to show in what delightful companionship the glorious productions of nature and art on the Continent were visited.

Though Mr. Ball was called to the Bar in 1811, and went the Connaught Circuit, he did not at once get into practice. He had to wait and hope, but it was not that hope deferred which maketh the heart sick. The only son of a wealthy merchant, he never experienced the hard lot of those who try to look plea-



sant when the hungry fox is gnawing beneath the robe. He could afford to wait until business sought him, and then his great capacity, his admirable tact and graceful court address, captivated the Bench and pleased the solicitors. Mr. Ball was in great request, and his practice in the Courts of Equity, the Master's offices, and notably the Rolls Court, caused him to give up circuits, and confine himself almost exclusively to the Four Courts and to the Equity side. He became a great favourite with Sir William McMahon, the Master of the Rolls, a Judge not very prone to show favour. His practice was, I believe, superior to that of his brethren at the Bar, and as Richards, Warren, Pennefather, and O'Loghlen were then at the Bar, this is saying much.

Though Mr. Ball did not appear on the platform when O'Connell was fighting the great battle of Catholic Emancipation, he did not fail to give the cause his hearty support by money and advice. When the Relief Act of 1829 opened the door to promotion to Catholics, the abilities and position of Mr. Ball were not overlooked. He succeeded his friend Woulfe as Sergeant, when that eminent barrister became the Solicitor-General in 1836, and in 1838 Mr. Ball became Attorney-General for Ireland, and represented the borough of Clonmel in the House of Commons, where he soon grew to be a great favourite. His agreeable manners and convivial disposition gained him the soubriquet of "Ball and Supper." He had not long to encounter the perils of office. Early in 1839 Judge Moore, who had long enjoyed the *otium* of the Common Pleas Bench, retired, and the vacant judge-

ship was accepted by the Attorney-General. The Common Pleas then had so little business, it rarely sat above one hour or two, and, as the new Judge was said to be a late riser in the morning, a witty Chief Judge said,—

“It is the very court for Ball. It will be *up* before himself!”

He had for associate Judges the very companionable Chief Justice Doherty and Judges Johnson and Torrens. A change in the distribution of business soon came and equalized, to a great extent, the working of the three Law Courts, and then the active mind and legal acumen of Mr. Justice Ball were apparent. It was admitted no Judge on the Bench ever presented a *Nisi Prius* case to the jury with more clearness, and this was the more remarkable, for, while the case was at hearing, no one could suspect the learned Judge was so fully mastering the facts, sifting the evidence, and separating the chaff from the grains of wheat; so that when his especial duty was to be discharged, he could do so in a manner to present the really important points for the jury, devoid of all legal technicality or entanglement.

I have often observed this circumstance with equal pleasure and surprise, for sometimes on circuit the learned Judge would display—or assume—an ignorance of common affairs that amused us. As, for instance,—

Some men were indicted at the Cork Assizes for a riot and assault. They were charged with beating men employed in drawing away turf from a bog.

The witness said, "As they drove along they saw the prisoners fencing along the road."

"Eh, what do you say the prisoners were doing?" asked Judge Ball.

"Fencing, my lord."

"With what?"

"Spades and shovels, my lord."

Judge Ball looked amazed.

"Mr. Bennett," he said, addressing the senior Crown prosecutor, "can this be true? Am I to understand that the peasants in this part of the country fence along the roads, using spades and shovels for foils?"

"I can explain it," said George Bennett; "they were making a ditch, which we call a fence here, my lord."

This explanation cleared up the enigma, and the case went on.

The respected Judge had to mourn for his eldest son, whose death caused great grief. He had, however, much to solace him. One of his sons became a priest of the Oratory at Brompton, near London, and he had a daughter a nun. His sister was the Superioress of the Convent of Loretto at Rathfarnham, the parent house of every great educational convent of Loretto throughout Ireland. This much-respected member of the Irish Bench died at his house in St. Stephen's Green, Dublin, on the 15th of January, 1865, in his seventy-third year.

A nephew of this estimable gentleman bids fair to succeed him in the achievement of forensic fame, Mr. Sergeant Sherlock, Q.C., M.P. In my sketch of our

mutual friend, Mr. Commissioner Baldwin, the name of Mr. Sherlock often occurs. He has succeeded Sir Colman O'Loughlen as Crown Prosecutor on the Munster Circuit in right of his rank as Sergeant-at-Law. For several sessions the learned sergeant has represented the King County in the Imperial Parliament, where his great capacity for business, high character, and pleasing, agreeable manners, make him deservedly respected.

## CHAPTER XXVI.

MEMOIR OF HENRY BALDWIN, Q.C., COMMISSIONER OF THE COURT FOR RELIEF OF INSOLVENT DEBTORS IN IRELAND.

Birth and Parentage.—Early Education.—Studies for the Bar.—Fellow-students.—Joins the Connaught Circuit.—A trip to Paris.—Marriage.—Ill-health.—Torquay.—Assistant Barrister for Co. Antrim.—His high character.—Address and Testimonial.—Wexford.—Affection of his Practitioners.—Address and Testimonial.—Becomes Chairman for the East Riding of the County of Cork.—My intimacy.—Letters.—A Warning.—Dangerous Illness.—Letter on his Recovery.—James Plunkett.—A tedious Voyage.—Appointment and Disappointment.—Correspondence.—Trial of John Mitchel.—Effect of Holmes's Speech for the Defence.—The Queen's Visit.—Advice regarding office.—Correspondence.—The voice of the Bar.—I become one of his officers.—His Chief Clerk.—His Registrar.—Death of the Chief Clerk.—Plunkett appointed.—Purchase of Kilmarnock.—A happy day.—Fatal Illness.—Death and Burial.

DURING the summer of 1840 I met, for the first time, at the hospitable board of a mutual friend (the late James Plunkett, Q.C.) Mr. Baldwin, Q.C., and thence, until the day of his death, 24th May, 1854, a friendship of the closest possible nature bound us to each other. It was impossible to live with him on the terms I did, and not to entertain the most affectionate feelings towards him; and if any shortcomings marked his character, I would not perhaps be deemed an impartial

biographer. But as I possessed the best opportunity of doing justice to his many estimable qualities as an advocate and a judge, I cannot allow these biographical sketches to appear without some record of his high endowments.

Henry Baldwin was born early in the present century. His father was an officer, and his mother of the ancient and opulent family of Segrave of Cabra, county of Dublin. Captain Baldwin, having died while his only child was very young, his training in the paths of religion and virtue was left in the hands of his pious and excellent mother. She idolized her boy, and when her maternal regard for him was evinced in sending him early to school, she implored the master "not to let the child be subjected to harsh treatment, for he had been such a pet." His reply was reassuring:—"Do not be afraid of that, madam. I assure you, from my experience, I prefer pets to other boys. I find them more docile, and they invariably pay more attention to what is said to them."

This remark was soon borne out as far as regards Henry Baldwin. He evinced great quickness in apprehending, and ability in retaining, instruction. When he grew older he was sent to the great English seminary of Oscot, and here he had to make his way with boys who paid no regard to mothers' pets. But young Baldwin had high courage and great mental endowments. He distinguished himself in the Oscot Debating Society, and, I believe, contributed to the "Oscotian"—a literary periodical, supplied by the students of the College.

Probably the profession of his father caused Mr.

Baldwin to evince a taste for the military life ; but the Principal of his College told his mother to discourage this notion, as it would be a pity he should waste his talents on a garrison life, and strongly recommended his adopting "a legal career." He therefore became a student of the Inns of Court, and resolved to become a barrister.

While in London, Henry Baldwin attended the chambers of Andrew H. Lynch, M.P., then a very leading Equity lawyer, and subsequently a Master in Chancery in England. Mr. Lynch was member for Galway, and his chambers had usually several students from Connaught. Baldwin also was connected with the county, if not the city, of the Tribes, his aunt, Clorinda Segrave, having married Mr. Lynch of Barna.

In the chambers of Mr. A. H. Lynch, contemporaneously with Mr. Baldwin, were James Henry Blake, afterwards Q.C., and one of the most promising leaders of the Irish Bar, until his early death barred his progress ; Mr. Malachi Fallon, afterwards Assistant Barrister for the county of Limerick, and others. Baldwin was one of the Decemvirs who met to argue law points, and one of his steadiest friendships was formed with a Decemvir, whose warm heart lay hidden beneath the most repelling exterior I ever encountered. The late James Plunkett ; Henry Witham, then a student for the English Bar ; D. R. Pigot, afterwards Lord Chief Baron of the Exchequer in Ireland, were also Decemvirs. Having completed his terms, Henry Baldwin was called to the Bar, and joined the Connaught Circuit. His knowledge of his profession and

lovable disposition soon attracted business, and he was quickly launched into practice.

He began to make money, not always by attending the Four Courts, or on circuit, as the following anecdote he told me will show:—"Shortly after being called to the Bar," he said, "during a long vacation, I received an offer of 150*l.*, provided I would proceed immediately to Paris, and make out a gentleman residing somewhere in that capital, with whom I was to have a personal interview relative to weighty money matters.

"On this offer being made, I lost no time in consulting Sir Michael O'Loughlen and Judge Ball as to whether I ought to accept it. Both concurred in thinking it was not *infra dig.* to do so; and, as there was nothing to prevent my accepting the money, I did so, and started for Paris.

"Arrived there, by the aid of the Prefecture of Police, I discovered the whereabouts of the object of my visit, and lost no time in calling on him. As a personal interview was part of my contract, I found him at home, sent up my card, and was admitted. He lay stretched on a sofa, smoking a cigar, and received me very kindly. We had met before. 'I suspect what brought you here,' he said, 'and have only to say that, if you mention one word about business, I shall leave you here. You can join me at Tortoni's at six o'clock, and dine with me. I shall be very happy to show you everything worth seeing in Paris, but not one word of business.'

"I replied, 'I had a serious and responsible duty to discharge, and he should not blame me for fulfilling



it.' I then opened to him the purport of my errand. He first whistled, then hummed an air from a popular opera ; but, as I continued, he ceased his performance, and, placing his hat on his head, wished me good-day, and left me alone in my glory.

"Being in no hurry to leave Paris, I wrote to Dublin an account of the failure of my negotiations, and passed some days very agreeably."

In February, 1837, when about ten years called to the Bar, a Chairman for a county, and in very fair practice, Mr. Baldwin made a very advantageous marriage. The object of his choice was the second daughter of Stephen Grehan, Esq., of Rutland Square, Dublin. This lady was in every way qualified to make him happy. She is well described by the lines of Crabbe,—

"She had a mild and pleasant look,  
A cheerful eye, and aspect bland ;  
Her very voice and manner spoke  
The generous heart and open hand."

Mr. Baldwin's health, never very robust, was impaired by his kind disposition. When proceeding by the night mail to the Spring Assizes of Galway, he took compassion on one outside passenger who had no overcoat. Baldwin divested himself of his, and insisted on the other wearing his great coat, as the cold was intense. Unfortunately this caused Mr. Baldwin to get chilled, and a violent fever was the result. Great debility followed, and the mild air of Devonshire was recommended and tried.

"I could not imagine," he said to me, "anything

like the change I experienced when the sheltered nook of Torquay was reached. It was like Elysium. The cold, chill feeling left me. I grew instantly better, and, during my stay, improved hourly." In after-years, I myself experienced great benefit by a visit to Torquay. Shortly before his marriage, Mr. Baldwin was appointed an Assistant Barrister. A Roman Catholic in creed, and of Whig politics, he never was either a bigot in religion or a partisan in politics. He had very influential friends, and when O'Loughlen became Attorney-General in 1835, he had the great gratification of appointing Henry Baldwin Assistant Barrister for the county of Antrim. His mother told me this appointment was hailed with approval by Tories as well as Whigs—all liked her son. His appearance was strikingly indicative of the amiability which was the great feature of Mr. Baldwin's character, and I think he must have borne a great resemblance to Lord Erskine. His small, elegant features were often hectic with illness, while his bright hazel eyes lighted up, and denoted the quick, sensitive nature of the inner man. Like Erskine, he had the warm heart of a woman, her generous affection for those he loved, and, perhaps, some of her weaknesses.

While presiding in the Quarter Sessions Courts of Antrim, the practitioners and suitors were not slow to appreciate how largely personal amiability of heart was united with ability of head. They found their chairman well acquainted with his judicial functions, possessed of a robust intellect, if in a delicate frame, with honesty of purpose and industry of habit. No matter of what creed or politics practitioners were,

all were regarded in the same light, and each felt attracted by the personal warmth of Mr. Baldwin. As has been well remarked, "Men of ability are met with at the corner of every street. Any man of reasonably clear head, of determined will, and settled disregard for the feelings and fate of those around him, may achieve a considerable measure of success, as modern society is constituted. The success, however, will not be one which will attract the good-will of his fellows, nor obtain for him one word of commendation, or regret when he is called away to another scene, where those who have lived only for themselves attain, no doubt, exactly what they have earned." Far different was the estimate in which the kind and warm-hearted Mr. Baldwin was held. When the intelligence was confirmed that he was to preside over the Quarter Sessions Courts of Antrim no longer, and that his health warned him the smaller and more proximate county of Wexford was to be the scene of his judicial labours, a loud wail, as of sorrow for a departed friend, echoed from the Giant's Causeway to the extreme limits of the county.

A valuable testimonial and most laudatory address—signed by men of all shades of political colours, from the deepest Orange to the most verdant Green—was presented to Mr. Baldwin.

His career in Wexford was just the same, and bore the same fruit; he obtained an address and gold box. I remember a Wexford solicitor, who practised at Sessions, using these words to me:—"It was no cold respect, sir, we bore to Mr. Baldwin; we felt a longing to take him in our arms and hug him to our hearts."

Strong as these words are, they convey very clearly the more than customary regard felt by professional gentlemen for one placed in authority over them, who has often to keep a vigilant eye over the conduct of his practitioners.

Mr. Baldwin's health grew much better, and on the death of John Martley, Q.C., the lucrative chairmanship of the East Riding of the county of Cork being vacant, it was offered to, and accepted by, Mr. Baldwin.

Shortly after this time, in 1840, I made his acquaintance, and was a practitioner in his Court.

Our daily intercourse during term, and while at Sessions, or when I was an inmate of his house, prevented my receiving many letters from him, but there are some which show the warmth of his disposition, and the playful temperament of his mind, when not depressed by illness, or those trials which beset the traveller in life's often weary road, and from these I propose to give extracts.

The first in point of date, and the only one formally addressed, was when he was returning my first published book, "*Impressions at Home and Abroad.*" It is as follows :—

" 19, *Gardiner's Place,*

" *February 23rd, 1841.*

" MY DEAR SIR,—I return you your book with many thanks for the instruction and amusement it has afforded me. A confinement from cold since Friday last enabled me to read it attentively through, and I assure you I have been greatly pleased.

" When do you proceed on circuit ? I am to sit in

Cork on the 29th March. I hope I shall see you there or at Mallow.

“Believe me, very truly yours,

“H. BALDWIN.”

During the Galway Assizes he had been counsel for a lady who sued a namesake of mine for breach of promise of marriage, and she got substantial pecuniary compensation. During the engagement the defendant had become a Repealer, which Baldwin said he supposed “accounted for his anti-union conduct.” Shortly after the trial I received the following :—

“MY DEAR O’FLANAGAN,—Enclosed I send you a report of a curious trial we had at Galway the other day. I do so for two reasons : first, that the damages may make you cautious, and, next, that you are generally supposed to be the defendant yourself. James Plunkett assured me that he was more than once asked if you were not the delinquent.

“I saw that you read a paper to the Association at Cork. I shall be in Cork on this day month ; we shall meet, I suppose, at all events, at Fermoy.

“Believe me, dear O’F.,

“Very sincerely yours,

“H. BALDWIN.”

The British Association for the Advancement of Science met at Cork in 1843, when I read a paper on the Navigation of the Munster Blackwater, which afterwards was extended and published as “The Historical and Picturesque Guide to the Blackwater.” The following year, 1844, was very nearly severing our

friendship, by the death of my beloved friend. In fact, during our Assizes in Cork, news reached us that, while on circuit in Galway, Mr. Baldwin became ill and died. This, however, was not entirely the case. He was dangerously ill, but recovered. On learning he was staying with his cousin, Nicholas Lynch, of Barna, who had married Mrs. Baldwin's elder sister, I wrote to him, inquiring for Mr. Baldwin, and after some days received the following reply. The feeble tracing of the lines indicate the prostrate condition of the writer :—

*“Barna, August 16th, 1844.*

“MY DEAR O’FLANAGAN,—Lynch showed me your kind letter, but until to-day I was not able to write. I am greatly better—in fact well, though weak. I am remaining here to recruit my strength for the road.

“I can best explain the extent of my danger by quoting the words of one of my doctors yesterday :—

“‘I never saw so bad a case terminate otherwise than fatally before. At one time I thought you had not half an hour to live. I had no hope at all : I thought there was no room for hope.’

“Although ill, I tried to do business on Tuesday and Wednesday, 30th and 31st July, and on the latter day to speak to evidence in a heavy and important case. However, after struggling against disease for half an hour, I was obliged to give in, leave the court, and take to bed, when I grew hourly worse until Friday, when I was despaired of.

“Poor Mrs. Baldwin left town on Sunday night in the mail, and arrived on Monday morning. She found me a little better, but not out of danger. She bore up

wonderfully against the fatigue. We shall be leaving this for home in a few days. With kind regards to your father and sisters, believe me,

“Very faithfully yours,

“H. BALDWIN.”

His next letter shows progress:—

“*Bayview Cottage, Dalkey,*

“*24th September, 1844.*

“MY DEAR O’F.,—Although my complaint is for the present gone, and I have collected some strength, the doctors do not wish me to encounter the fatigues of a heavy Session, and strongly advised me to get a deputy. Plunkett, with his usual good nature, at once undertook to sit for me, and, with such a representative, my mind is quite at ease.

“They will hardly put up with the Principal after such a Deputy.

“I am happy to learn the sale of your book<sup>1</sup> has been so good. You should see that it is for sale in the book-shops in Cork, Fermoy, Mallow, and Youghal.

“Nothing new here. The dinner to Dan<sup>2</sup> was much crowded, but not respectably attended. Dan wanted to let non-Repealers in, but Smith O’Brien would not suffer it to be anything but a Repeal dinner. Hence the absence of all respectable persons, and the collection of a mere mob. I hear Dan is much annoyed at the circumstance.

“Faithfully yours,

“H. B.”

<sup>1</sup> “The Historical and Picturesque Guide to the Blackwater in Munster.” London, 1844.

<sup>2</sup> A Repeal banquet to O’Connell.

He grew stronger as the spring of 1845 advanced, and I left him in good health and spirits when I was starting for the Munster Circuit in the spring of 1845. I went to Cork by the steamer then plying between Dublin and Cork, and we had a most tempestuous voyage. Scarcely had we left the Liffey before the wind blew so violently we had to seek shelter in Kingstown Harbour, and I wrote an account of my perils, which produced the following :—

“ 7, Rutland Square,

“ 14th March, '45.

“ MY DEAR LIVING BUT HALF-DROWNED AUTHOR,—I commiserate you on your unfortunate voyage. How you must have sighed for the gentle ripple of your own Blackwater, when tossed by the merciless billows of our angry sea ! I hope the elements will be more propitious for us. If Saturday next promises fine, I think we shall trust ourselves to them, as the *Eagle* is to sail at seven o'clock Saturday evening.”

The weather moderated, and he enjoyed his voyage, and got through his Sessions well. Later in the year I find he wrote to me about our mutual friend Plunkett, who had been dangerously ill.

As I was constantly engaged during the terms in working with and for him professionally, I plainly saw how admirably suited he was for Equity practice. The quiet Court of Chancery was better adapted to his gentle nature than the bustle of the Common Law Courts, or the rough-and-ready business of *Nisi Prius*. He evidently had more taste for Equity practice than for the arguments of Common Law or law pleading,



and it occurred to me, the place of all others best fitted for him was a Master's office. There the duties could be done *con amore*, and his experience of Session practice would enable him to dispose of the business with precision and despatch.

There was a prospect of my hopes for his obtaining this desirable post, the income of which was about 3000*l.* a year, being realized. His friend, the late Sir Maziere Brady, was raised from the office of Chief Baron of the Exchequer to that of Lord Chancellor of Ireland, and a close intimacy had long subsisted between him and Baldwin. His co-circuiteer, Monahan, was Attorney, and Hatchel Solicitor-General. These personal friends were not likely to forget the services and worth of Mr. Baldwin. Besides those in law offices, Sir Thomas Redington, then Under-Secretary of State for Ireland, was warmly attached to him, and when, in the autumn of 1846, Master Goold died, Baldwin was at once named as his successor. I was then on circuit, but the report was that Baldwin was actually appointed, so I wrote an article for the press, detailing how eminently qualified he was for this office. I refrained from having it published until I saw the report ratified officially. Soon, alas! I found the vacant Mastership was not given to Mr. Baldwin, but to the late Mr. Jeremiah J. Murphy, a Queen's Counsel, a Catholic gentleman of very high character, and an accomplished Equity lawyer.

Aware how anxious Mr. Baldwin was for this particular office, and how near he was to obtaining it, I feared the disappointment would, as indeed it did, crush his feeble frame. I wrote to him at considerable

length, urging what consolation my feelings dictated, and yet expressing my fear I had done so at too great length. His reply was this :—

“ *The Rock, Dalkey,*  
“ *9th August, 1846.*

“ MY DEAR O’FLANAGAN,—Whatever *you* may think, I do assure you that *I* do not find your letter too long. I was so pleased with that of the eight pages that I showed it to Plunkett, who was equally gratified.

“ The more I learn of the affair, the more I lament the accident that led to the result.

“ The Lord-Lieutenant wrote to Redington to say that my appointment was actually *made*, when such a pressure came that Lord John Russell thought they should yield to it. O’Connell’s statement is, that he called on the Lord-Lieutenant, as father of the Catholic Bar, and demanded the situation for a Roman Catholic. The Lord-Lieutenant told him it was arranged that a person of that persuasion should have it. O’Connell then asked it for Murphy. The Lord-Lieutenant said he was too late, as I was appointed, and the letter to notify it to the Chancellor was written, and on the table. O’Connell, finding it was not posted, and consequently no official communication had been made, insisted that it was still within the control of the Government, and asked it as a personal compliment to himself. To this they yielded. My appointment superseded—Murphy substituted for me.”

That he did not soon recover the shock of this

sudden and most unexpected disappointment is shown by his next letter from Dalkey :—

“ 2nd Sept., 1846.

“ MY DEAR O’FLANAGAN,—I am happy to find you are spending a pleasant autumn. We are very dull here. None of us have at all got over our recent affliction. As for myself, the subject is always recurring to my mind, and I am as low as the earth when I consider how desirable was the situation, how nearly it was mine, and how uncomfortable is my present position. We had the Chancellor and his family for a few days at Kingstown, at the Anglesea Arms. They spent Saturday here, and came out to fish, and took an early dinner on their return. Yesterday we all assembled at Monahan’s, so you see we are on excellent terms. All the officials are arrived. Labouchere<sup>3</sup> came yesterday, and Pigot was expected in the evening.

“ There is to be a gathering of the bigwigs at the Viceregal Lodge on Thursday to meet Labouchere. The Chancellor had promised to spend the day here when he got the command.

“ I had a lamentable letter from poor ——<sup>4</sup> from New York. I am trying to do something for him—good for evil.

“ Moore is also returned. Burton<sup>5</sup> is determined to

<sup>3</sup> Chief Secretary for Ireland.

<sup>4</sup> An attorney who, in return for several acts of kindness, treated Mr. Baldwin with ingratitude, and, finding he could get no practice in Co. Cork, emigrated to America.

<sup>5</sup> An octogenarian Justice of the Queen’s Bench.

sit until he drops off the perch. I should not wonder if Pigot made one of the earliest vacancies.<sup>6</sup>

"Plunkett has just left this. Only think of him refusing to meet the Chancellor here quietly the other day!

"Sincerely yours,

"H. B."

His next letter shows considerable improvement in his spirits. Owing to my father having met with an accident—a shaft of a car having struck him on the leg and confined him to the sofa—I had to act as Barrack Master of Fermoy for some time.

Baldwin was not well enough for the October Sessions, so he sent, as his deputy, Mr. Sherlock, a very excellent lawyer, and one in whom Mr. Baldwin placed confidence.

Sherlock<sup>7</sup> got through his work most efficiently. Baldwin thus inquired how he discharged his duties:—

"7, Rutland Square,

"6th Dec., '46.

"MY DEAR O'FLANAGAN,—I expected to have heard from you ere this, but I have heard of you—of your being at Midleton. I hope you profited by your trip in a pecuniary view—probably not much, but in reputation I hope a great deal. The latter is not a bubble in our profession. How did Tim<sup>8</sup> get on? Did you go to Kantuak? The Courts here are proceeding very

<sup>6</sup> He survived Baldwin exactly twenty years.

<sup>7</sup> He is now second Sergeant, and M.P. for King's County.

<sup>8</sup> I never could understand why Mr. Baldwin always called friend by this name. His name is David.

slowly. Pigot is, I hear, doing the *Nisi Prius* business very well—of course not quickly. He has a great many cases. The Chancellor making slow progress; the Exchequer still slower, and Smith (Rolls) is the superlative degree in this comparison. I scarcely think he will be finished on Christmas Eve. I have had an excellent share of what is going. Although the term is generally complained of, I have found it one of the best I ever had.

“The Chancellor and some others have promised to dine with us on the 15th. Mrs. B. says you promised to send her some wild fowl. I wish you would try and send us some in time.”

I lost no time in complying with this request. My friend, Robert Earl of Kingston, I knew would be only too glad to send a quantity of game to Mr. Baldwin, so I requested he would do so. It was rare to find Baldwin giving expression to political opinions, but in a letter I had from him, dated Cliff Castle, Dalkey, 23rd July, 1847, he says,—

“We are all preparing for the coming elections. It is reported that the Whigs will gain ninety seats in England, and hold their own here, unless, indeed, they be damaged by the utter folly of the Repealers accepting Tories who will take the pledge, well knowing the impracticability of that question. They will take the pledge, and vote against the country on every practical measure. I fear Monahan will lose Galway. I doubt that he will show fight at all. What do you learn about Youghal?”

“The Master of the Rolls is still sitting. I was fool

enough not to go down. I am very lazy, and enjoy this time in the country more than any other time, and, therefore, have not sought business. Indeed, I am writing more than I desire. I am told that Chief Justice Doherty is broken, horse, foot, and dragoon.<sup>9</sup> There was a meeting of his creditors yesterday. Daniel Ryan Kane<sup>1</sup> is in fever, but going on well. He is in Dublin.

"I suppose you will go to the Cork Assizes. Make a note of the Appeals for me. I had a very tedious passage up by the *Viceroy*. We lost our way, or rather thought we had done so, in a fog, and, after lying at anchor for ten or twelve hours, we found we were on our proper course. I think the Repealers have cut the painter between them and Government, if the latter have a particle of spirit. Ponsonby has returned to Youghal. I fear he has damaged his chance by going away. Can you do anything respecting votes for him? Tell Nagle that P. has gone back to Youghal to try his chance. Send me all the Cork news."

Mr. Baldwin's fears respecting Mr. Ponsonby's chance in Youghal proved well founded. At the election in 1847, Mr. Chisholm Anstey was returned member for that borough. The increasing illness of my dear father caused me to remain much at Fermoy during the early part of the year 1848. The state of the country caused the Government much apprehension; and as there was a large garrison in the barracks of Fermoy, which were in my father's charge, I had to act for him. The precautions taken by the Govern-

<sup>9</sup> See Sketch of C. J. Doherty.

<sup>1</sup> Now Recorder of Cork.

ment in case of an insurrection were such as to cause a great influx of military stores. The barrack stores had also considerable quantities of provisions which were never sent previously. These consisted of barrels of pork, casks of biscuit, and large supplies of ammunition. Moreover, a letter was entrusted to my father, directed to "The Officer commanding at Fermoy," which was only to be delivered if the barracks were besieged. This event never occurred. Of course it was returned unopened. We had occasional reports of intended insurrectionary outbreaks, but they did not extend to the county of Cork. My father died Barrack Master of Fermoy, in April, 1848, after the long service of forty-two years, and I had to take charge of the district for some months, until his successor, Colonel M'Queen, arrived. Mr. Baldwin's letter, after that sad event, is dated—

*"7, Rutland Square,*

*"28th May, 1848.*

"MY DEAR O'FLANAGAN,—I have so long postponed writing to you that I scarcely know how to do so now. You know how I am harassed just at present. Impute my silence to hurry—to procrastination—to what you will but forgetfulness : not certainly to *that*.

"I hope your sisters are well reconciled to the will of Him who knows what is best for us.

"When do you expect to be in town? You will find us in the midst of troubles here. We expect to have Mitchel on trial upon to-morrow or Thursday. Holmes will speak for him, and Henn to evidence. If we obtain a verdict, there will be no disturbance, and then

we hope for some quiet. Monahan will have to revert to the right of challenge, and this will create a great uproar. However, it seems to be inevitable, and will be done."

Mitchel's trial took place not so soon as Mr. Baldwin anticipated, so I was present at it, but the counsel he named were employed as he mentions. The traverser, as we have seen, was defended by Mr. Holmes. I never remember anything like the effect of that speech, and it afforded me the only opportunity I ever had of estimating the style and language of the Irish Bar in the days of the Irish Parliament. The whole of the persons who thronged the Court-house burst into a perfect tumult of applause when Mr. Holmes, exhausted by his magnificent oration, sank into his seat. Very shortly before this Baldwin ceased to be Chairman of Quarter Sessions for the East Riding of the county of Cork, having been appointed Law Adviser to the Castle. Taking this situation caused a considerable diminution of income, but it was regarded as the step to the office of Solicitor-General, and therefore an object of ambition. The duties were by no means heavy. They consisted chiefly of setting the Irish magistrates right upon questions arising from often confused and sometimes obscure Acts of Parliament; the power of police in the execution of their duty; legality of convictions; how far the Justices of the Peace could act under peculiar circumstances, and such like matters, which unprofessional gentlemen, however intelligent, could scarcely decide correctly. These were points which Mr. Baldwin's large experience as an Assistant Bar-



rist and practitioner on his circuit enabled him to dispose of very readily. Soon after he resigned the Assistant Barristership, I received a communication from the late Mr. James Nagle, then Sessional Crown Solicitor for the East Riding of the county of Cork, which gratified me. It was on behalf of the attorneys, who were about presenting their late Chairman with a valuable testimonial and address, that I, who was so intimately acquainted with the judicial conduct of Mr. Baldwin, should write the address. Of course I did my best, and sent my draft of it to Mr. Nagle. It met his warmest approval, and, when submitted to the Committee, was adopted with very slight alterations.

This address, when handsomely engrossed, with two splendid silver claret-jugs, bearing a suitable inscription, forms the enduring testimony of Mr. Baldwin's merits during the years he held the office of Assistant Barrister for the East Riding of the county of Cork.

It has, I believe, seldom happened that the same individual who prepares an address is requested to reply to it, yet it did in my instance. Mr. Baldwin, never suspecting I had any hand in preparing the most complimentary address which he received with great pleasure, said, "O'Flanagan, like a good fellow, will you put together what is proper for me to send in reply to this most beautiful address?"

I laughed and told him I wrote it.

During the Queen's first visit to Ireland he wrote:—

"7, Rutland Square,

"9th August, 1849.

"MY DEAR O'F.,—I very much regret to find that

your name is not amongst the professors of the Queen's College. I mentioned it as favourably as you could wish, but it was not in the position that would give it a chance in the Report of the Presidents.

"We must only look to something else, and I hope you are not disheartened. You see that F. Walsh<sup>2</sup> has got an appointment. I rejoice at it.

"We are as loyal here as could be desired. The Queen is everywhere well received. Her levée yesterday was the most crowded I ever saw. We (Mrs. Baldwin and myself) had the honour of meeting her last evening at the Viceregal Lodge. There was a very nice party and concert there. Her Majesty was most agreeable. There is a review now going on, and there will be a drawing-room this evening.<sup>3</sup>

"To-morrow she goes to Carton,<sup>4</sup> and sails in the evening for Belfast."

The next communication I had from Mr. Baldwin, written about a year later, contains an intimation which very materially influenced both his and my future career. I extract as follows:—

*"Khyber Pass,*

*"22nd August, 1850.*

"MY DEAR O'F.,—R. Farrell, the Commissioner of the Insolvent Court, is dying. This will put me in a

<sup>2</sup> Francis Walsh, of the Munster Circuit, was appointed Professor of Law in Queen's College, Cork. *Vide* his memoir in this work.

<sup>3</sup> The drawing-rooms in Dublin Castle are held in the evening.

<sup>4</sup> Seat of the Duke of Leinster.

fix. I presume Hatchel<sup>b</sup> will not take it, and that it may be offered to me. I am at a loss what to do. The situation is a very easy one—the salary 2000*l.* Irish, and travelling expenses, but if I take it, it must be for life. Plunkett and the Attorney-General advise me to take it. It is a certainty, what say you? I heard this moment that Farrell died last night. I am in a doldrum.

“Yours sincerely,

“H. BALDWIN.”

I lost not a moment in advising him, in the strongest terms I could, *not* to take this judgeship. I felt it was entirely unsuited to him. It daily necessitated his having to adjudicate upon a class of cases in which honest traders were the victims of unprincipled debtors, or struggling debtors were the victims of heartless money-lenders or oppressive creditors. I knew the sensitive organization of his mind thoroughly. While attending the Sessions Courts of the East Riding of the county of Cork, it was my habit either to be engaged before him as counsel, or, when not engaged, sitting by his side, and, as we conversed more like brothers than in any other relation, I was convinced the Commissionership of the Court for Relief of Insolvent Debtors would wear his heart out—*change his gentle, patient temper into impatient irritability*—and this constant galling of the chain he could not break would eat into his strength and shorten his existence.

<sup>b</sup> John Hatchel was then Solicitor-General. Though he did not take the office at this period he became Commissioner of the Court subsequently.

Conscious of all this, I not only tried to dissuade him from taking the place, valuable though it was; but it seems, though I do not recollect it, I also wrote to Plunkett my views on the matter. To Mr. Baldwin I wrote:—"Were I you, in your place, at your age,<sup>6</sup> and with your prospects, I would not accept this place."

He did, however, accept it, and the promotion of his friend Monahan as Chief Justice of the Common Pleas, and successor to Chief Justice Doherty, left the Solicitor-Generalship vacant.

He (Baldwin) then wrote to me,—

*"Khyber Pass,*

*"14th Sept., '50.*

"MY DEAR O'F.,—I have seen your letter to Plunkett. You judge rightly of me. I am perplexed in the extreme. My patience was worn out by a three years' wait for a step, and I had no sooner taken—without much good-will—the Commissionership, when, lo! the Solicitor-Generalship becomes vacant. If I were to ask, I *think*, but am not certain, that I might get the Solship. Still, what ought I to do?

"At present I have 2000*l.* a year *certain*, and immediate respite from labour; if I abandon it, I shall have much labour, much risk, but it might be higher position and larger income. There are two very old and infirm judges, but so is Government infirm, and they may not supply the places of all the judges. It is probable that one judge may be reduced. What would you advise me to do? Certainty, competency, and tolerable

<sup>6</sup> He was not fifty at this time.

station, or higher station, chance of higher, and larger income, but a chance of losing *all*? Would you advise me to give up the 2000*l.* a year, which I *have*, for these chances?

“Let me hear as soon as you can.

“Ever sincerely yours,

“H. BALDWIN.”

It was a very difficult matter to direct him what to do. It was much easier for me to tell him *not* to accept 2000*l.* a year, than to give it back after accepting, so I thought it as well, especially as the Government was not very strong, to tell him to keep what he had got. I daresay I gave him this advice. His next letter, a little later, confirms his appointment.

“*Khyber Pass,*

“26th Sept., '50.

“MY DEAR O’F.,—The arrangements, except as to the Law Advisership, are complete. Hughes, instead of O’Brien, was yesterday appointed Solicitor-General. I am sure I could have had that office if I had expressed a wish for it, but my friends would not let me. Redington and Monahan were *vehement* against it, and the Chancellor thought I should remain as I am. Plunkett and David Lynch<sup>7</sup> were of the same opinion, and it would have been, not only extremely bold, but rash to have taken upon myself to decide against the opinions of all my friends here. I think it most likely that

<sup>7</sup> An eminent Q.C., afterwards a Judge in the Court of Bankruptcy and Insolvency, and died one of the Judges of the Landed Estates Court.

both the number and salaries of the judges will be diminished, and if the former, it is most likely there will be but one—if one—vacancy to be filled up during their administration. I should, therefore, have to run a chance of not advancing beyond the Sol.-ship, and a much greater one of not possessing the Attorney-Generalship. Monahan is Chief Justice, Hatchel Attorney-General, Hughes Solicitor, myself Commissioner. Christian will probably be the Law Adviser. This last is the only part of the arrangement which is still to be made, and the delay occurs from Christian being abroad.

“ I commence my circuit on the 22nd October at Wicklow, and shall be out only eight days. I then sit in town until the 21st November, and then resume the circuit, having finally to close at Cork, where I am to sit on the 12th December.

“ Thus I become a vagabond again.

“ Sincerely yours,

“ H. BALDWIN.”

Thus Mr. Baldwin's hopes of ever rising higher than the Commissionership of the Court for Relief of Insolvent Debtors was at an end ; and as my professional prospects were very much bound up in his, I could not fail to regret his having barred the door on his chances of further promotion. Had the place suited him, this would not have cost me a pang, but I felt it did not.

It was a source of anxiety to him that Plunkett's practice at the Bar did not keep pace with his merits, and he often spoke to me about him.

Mr. Baldwin's regard for his friend's position was no

mere profession of words. He sought to serve him by deeds, and his anxiety to bring Plunkett and the Lord Chancellor together was in hopes of serving Plunkett. But Plunkett was very often cold and reserved in manners. He was exceedingly averse to the notion of being indebted to any one for advancement, and kept aloof from those in whose hands lay official patronage. In walking to Court with Baldwin, he said to me, "I do not think Plunkett will ever get anything *until I give it him.*" I treasured up these words, and we shall see the result. It was hard for such a gentle, sensitive being as Henry Baldwin, who loved peace and quiet, and hated publicity of any sort, especially in print, to be tortured by the demoniacal pen of a merciless satirist; yet he was. Now writing, after a lapse of thirty years, I can recall his inflamed and heated countenance as he read his legal position, person, and capacity, described in a scurrilous pamphlet, published anonymously, and called "The Voice of the Bar." Having censured, in most offensive language, all the recent Whig legal appointments — Brady as Chancellor, Monahan as Chief Justice of the Common Pleas, Pigot as Chief Baron of the Exchequer, Hatchel as Attorney-General, Hughes as Solicitor-General, O'Brien, Howley, and Stock as Serjeants, my dear and respected friend is thus described:—

"According to the same system, Mr. Henry Baldwin was selected as Counsel to the Castle, and got his chance of an Attorney-General and Judgeship. He was a small Catholic barrister—a *very* small one. But Sir Thomas Redington made him Counsel to the Castle, and his appointment was actually made out for

a Mastership in Chancery, when O'Connell requested—that is, commanded—that the place should be given to Mr. Murphy. We are not addicted to praising the great agitator, but this was one of the best acts of his life. But what a system of promotion it must be when the spectral Mr. Baldwin, whom we have seen, term after term, flitting around the hall, got permission to glide into three thousand a year at the public expense—a result which the fond caprice of the great demagogue only prevented.”

This was bad enough, but it was mild in comparison to the next passage, which dwelt upon his slight and delicate personal appearance. The effect upon him was very great, and it took some time before he recovered his natural spirits. The pamphlet was speedily suppressed, and is now very scarce.

The secret of Junius's has not been better kept, for he could not make out the author. The late Daniel Owen Madden was suspected, and I endeavoured to learn from himself if he had any share in its compilation; but he called my attention to the terrible scalping of Chief Baron Pigot, who was a personal friend of his own, and he said, “This ought to show me he could have had nothing to do with it.”

I left Baldwin just recovering from the annoyance caused by this cruel satire, and went to my country house, Grange, Fermoy, for Christmas, 1850.

He wrote early in the New Year :—

“7, Rutland Square,

“4th January, 1851.

“MY DEAR O'FLANAGAN,—“I write to wish you all



the compliments of the season, which I do with more sincerity than they are generally offered.

“We are in expectation of a stormy session in Parliament. It is thought, if the Government are not disturbed before Easter, they will hold on. Their strength lies in the want of a party to take their places. I wish you had something before they go.

“I got through my circuit exceedingly well—so well that I have no apprehension of the future ones. I will not go out again until after the 1st of March.

“Very sincerely yours,

“H. BALDWIN.”

I went back to Dublin during Hilary Term, and found him in very good health and spirits—better, indeed, than my own. I had been twelve years at the Bar, and had very little practice. Indeed, my most lucrative office was reporting for the *Irish Jurist* and *English Law Times*, and this involved heavy labour and close application. I had a supernumerary Crown Prosecutorship on the Munster Circuit, but this was not very remunerative, and uncertain. While thus circumstanced, the death of Mr. James Scott Molloy, Official Assignee of the Insolvent Debtors' Court, caused a change in the officers, and left a vacancy. Baldwin had the power of appointing one of the officials at a small salary. It was little, but there was a prospect of advancement, and it was a certainty. Knowing how firmly I could reckon upon him to improve my position, I accepted it. “I will not leave you there always, O’Flanagan,” were his cheery words, as he came to me in the library of the

Four Courts, and told me to accompany him to my future office.

I closed my note-book at once, and went to No. 3, Lower Ormond Quay, then the Court for Relief of Insolvent Debtors.

Baldwin gave me in charge to Mr. Kelly, who was my associate in the duties I had to discharge. Mr. John Thomas Lloyd was our Chief Clerk, an admirable official, and kind, social, hospitable man, exactly after Mr. Baldwin's own heart. I soon became on most friendly terms with him. There were two Registrars—Mr. Parsons, Registrar to the elder of the two Commissioners, William Henry Curran, son of the celebrated John Philpot Curran, Master of the Rolls: the other, Mr. Farrell, Registrar to Mr. Baldwin—both very excellent officials; but Mr. Farrell had a thorough knowledge of the duties, not only of his immediate office, but of the Court, derived from his having been trained under his father, the late Commissioner. It must have been of considerable advantage to Mr. Baldwin to have had Mr. Farrell for his Registrar, as, of course, there was much in the statutory procedure which Mr. Baldwin's former experience of Quarter Sessions could not supply. With Mr. Lloyd as Chief Clerk, and Mr. Farrell as Registrar, Mr. Baldwin disposed of the business most efficiently. His strict principles of morality, and his high notions of commercial honesty, made him one of the best Commissioners the Court ever possessed. I was, if possible, on more intimate terms with him now than before, and also shared the hospitality of my excellent Chief Clerk, Mr. Lloyd, and my colleague, Mr. Kelly.

But a change was near at hand. About the close of the month of April, 1853, after a very few days' illness, our estimable Chief Clerk died, and the grief of his family was little more intense than that of the officials and practitioners of the Court. Who was to be his successor? Though the salary attached to the office did not exceed a few hundreds a year, the fees and emoluments were so large that it sometimes almost equaled that of the Commissioner, and was fully worth 1000*l.* per annum. As I knew that Mr. Plunkett's income at the Bar fell considerably short of this, and how very high an opinion Mr. Baldwin entertained of his ability and worth, I resolved that, as far as lay in my power, I would have him for Chief Clerk.

It was after three o'clock in the afternoon when intelligence reached the office that Mr. Lloyd had died. I went at once to the Four Courts, hoping to find Mr. Plunkett, but was informed he had left a few minutes before. I hastened along the Quay, and overtook him.

"Plunkett," I said, "John Lloyd is dead."

"Well," he replied, in his cold, curt manner, "what is that to me?"

"Everything. I hope you will be his successor. I am sure Baldwin will offer you the place."

"I would not take it," was his answer.

Undeterred by this assurance, I pressed him with an argument which I knew would have great weight—his affection for Mr. Baldwin, and represented how materially he could assist him in the discharge of his judicial duties; but Plunkett was very proud, and the notion of one of her Majesty's counsel sinking into a

clerkship—even though a Chief Clerkship—galled him. Not over well pleased with my ill-success so far, I called at Mr. Baldwin's house, No. 7, Rutland Square.

I found him, as I expected, in great distress. He cordially esteemed his excellent official, he had received the greatest assistance from him, and was sure to be perplexed as to the appointment of his successor. I never considered I had any chance of the place myself, but others did; then he had relations at the Bar who would expect the appointment; the Registrar, Mr. Farrell, though young in years, was old in experience, and fully master of the duties.<sup>8</sup> These, no doubt, served to disturb his mind.

"What in the world can I do now?" he said hopelessly. "Who can I get to fill his place?"

"I'll tell you," I replied, "Plunkett."

He looked at me as if inquiring was I serious.

"Yes," I said, "Plunkett is your man."

"He would not take it," replied Mr. Baldwin.

I then told him how, conscious that he, the Commissioner, would prefer him to any other, I had already spoken to Plunkett on the subject, and pressed him to consider the matter.

Mr. Baldwin thanked me most warmly for my forethought, as he would have hesitated, knowing Plunkett's haughty airs, to make him the offer; but, as I had broken the ice, there was no difficulty. Suffice it to say, ere many days elapsed, James Plunkett, Q.C., was gazetted as Chief Clerk of our Court.

But despite the satisfaction experienced by having

<sup>8</sup> This gentleman has since ably filled the office.

a Chief Clerk on whom he safely relied, and the entire considerable patronage of the Court—for, on the death of Mr. Commissioner Curran, Mr. Baldwin was the sole Commissioner—I saw, with sorrow, he was not what he formerly was. The nature of his duties, either unmasking fraud, punishing extravagance, or investigating the petty shifts with which poverty seeks to hide its head, chafed his temper, and he grew very irritable. Some of his own personal friends came before him to get the benefit of the Act (to be white-washed, as it was termed), and his very sensitive nature felt for them. Occasional gleams of his old humour would break out from his troubled mind; for instance, at a Lord Mayor's banquet an official, who had on several occasions passed through the Insolvent Debtors' Court, was honoured with a seat at the Viceregal table. This roused the ire of Mr. Macan, Q.C., one of the Commissioners of the Bankrupt Court, who, addressing Mr. Baldwin, said,—

“Is it not too bad that man should be called up before us?”

“I suppose you feel surprised,” replied Baldwin “his now being called up before *you*, but he has often been *called up before me*.”

In the spring of 1854 Mr. Baldwin became the proprietor of a handsome country seat he long desired to possess—Kilmarnock, at Ballybrack. He was very fond of the country and of fishing, and the proximity of Ballybrack to the sea enabled him to enjoy his favourite pastime. The house required a great deal of repair, and the grounds had been much neglected; but, with taste and ample means, these were soon

rectified. His family went from their town house, 7, Rutland Square, to occupy Kilmarnock, on the 29th April, 1854, and were not slow in inviting their friends to visit their newly-acquired country house. My diary for this period supplies the following :—

“7th May, 1854.—The Closes<sup>9</sup> called to accompany me to Kingstown *en route* for Kilmarnock. The rain fell nearly all the way, but cleared when we reached Kingstown. Here we got on an outside car, and drove over the hills to Ballybrack. Had a most hearty greeting from our kind friends at Kilmarnock. The house is extremely comfortable,<sup>1</sup> and nearly finished; the grounds getting into good order. The day was showery, but it was delicious to go down to the beach and see the waves rolling upon the shingly shore, breaking into foam, and rushing back into the great ocean, to gather strength for a fresh onset. Miss B., Miss H., the juveniles, and I took a long ramble by the sea, and reached the bathing-house just as the clouds were melting into heavy rain. We got shelter, and were very snug during the rain, while B., Mrs. B., and their youngest daughter were under it. On joining our party at the house, we found our numbers increased by Henry Russell, James Plunkett, and the Rev. Mr. Harold, P.P. of Ballybrack—the last a very gentlemanly, fine-looking clergyman. He said he ‘would have his chapel at Ballybrack quite in the mediæval style.’

<sup>9</sup> Sons of James S. Close, Q.C.

<sup>1</sup> At Mr. Baldwin's death it became the property of Judge FitzGerald, who added to the house and grounds.

“ ‘Oh, that’s quite to my taste,’ I said. ‘I like antiquities.’ ”

“ This amused Plunkett, who called out, ‘O’Flanagan as you like antiquities, allow me to ask if you like old women?’ ”

“ ‘Yes, certainly,’ I replied, ‘if they are picturesque.’ ”

“ My rejoinder caused a laugh. ”

“ ‘Describe what you mean by a picturesque old woman,’ asked Henry Russell. ”

“ While I was considering how to reply, Baldwin came to my help. ‘He very cleverly answered one question,’ he said, ‘so you need not answer the other.’ I thought Baldwin appeared pretty well. We had a great deal of delicious music. I slept at the house. The rest of our guests returned to town. ”

“ 8th.—Up at seven o’clock, and out. How I love the glorious country—the God-made country! Birds were singing, bees humming, fruit-trees blossoming, corn growing. I had my old comrade Drake<sup>2</sup> with me, and we rambled to the resounding shore, where I gave him a dip, and then by leafy hedge-rows and fields, and in the garden until breakfast. Drove to Kingstown on my return.”

I have been thus particular in my account of this happy day at Kilmarnock, for it was my first, and, alas! my last. The end was at hand. On the Wednesday following, Baldwin was presiding in court, and not in a very placid temper. Indeed, his temper had been very uncertain for some months, and often, very often, I was deeply pained by hearing him abused as

<sup>2</sup> A most sagacious spaniel.

morose and tyrannical. On that day, as he was passing the office door, I hurried into the passage to shake hands, and he looked painfully ill and excited. On Saturday, 20th, he was reported alarmingly ill. He had a paralytic attack, and fainted twice. Unfortunately Sir Dominick Corrigan, M.D., in whose skill he had (as all his patients have) entire confidence, was from home; and though the eminent Dr. O'Reilly was promptly in attendance, the symptoms were very deplorable. Next day I went to Kilmarnock. Several of his friends were in the drawing-room. His brother-in-law told me he had just seen him, and his voice was restored; but, after conversing rationally for a little time, he would forget the subject of conversation. While he was conscious, on that Sunday, his friend Archdeacon Hamilton administered the Sacrament of Extreme Unction, so that, in the comforting words of our Church, "he was prepared for death." Next day (Monday) Plunkett sat with him until late, and he felt so much better that, when Plunkett was about to depart, the invalid said, "Well, Plunkett, I will say to you now what I could not have proposed to say to you before, *I will see you to-morrow.*"

Plunkett declared these words caused much misgiving to arise in his mind, and he feared the promise would not be fulfilled. It appears also that Mr. Baldwin alluded to me, and expressed his deep regret I was not holding a better office. Plunkett returned to his house in Mountjoy Square, but was not there above an hour when recalled by a message that his friend was dying. The poor sufferer had repeated fits of epilepsy, but retained life until Wednesday, 24th May, when he



died. Archdeacon Hamilton, who was by his bedside, said, "He died as he lived—a gentle gentleman." On the 28th I accompanied his two most beloved friends, the late James Plunkett, Q.C., and the present respected M.P. for King's County, Mr. Serjeant Sherlock, to his funeral. It was one of the largest and most respectably attended I ever witnessed. The legal profession was represented, not merely by the carriages, but the Lord Chancellor and judges were present. The Queen's Counsel and outer Bar, the solicitors, the Lord Mayor, Sir Edward M'Donnell, the mercantile community, and priests and people—all testified how much they lamented this just judge and virtuous gentleman. He is buried in the vaults of Marlborough Street Cathedral; and I may truly say, as his friendship formed the happiness, so his death caused the deepest sorrow I have yet felt in my life.

## CHAPTER XXVII.

## LEGAL EXPERIENCES OF A LIMERICK BANKER.

Irish Assize Courts.—The Dock.—The Lawyers' Literature.—An Action for Slander.—An unhappy quotation.—A grave witness.—Harry Deane Grady.—Speech for the Defendant.—The Jury's estimate of the Plaintiff's character.—An unpopular High Sheriff.—Crooked Paddy.—Agrarian Murder.—Conviction of three murderers.—The extorted fee.—The bitter bit.—The Nosegay.—The Limerick Banker.—Extracts from the Satire.—An Action for Libel.—Damages 500%.

Few places afford a richer field for observation to the student of our human nature than our Irish Assize Courts. From the presiding judges to the meanest prisoner in the dock, the inquisitive spectator can analyze and remark the various tempers, dispositions, characters, modes of action, manner, and qualities of his fellow-men. It has been my habit, during the years I went circuit, to note such peculiarities of individuals—any circumstances, either connected with the cases which came before the Court, or the parties thereto, as appeared to possess more than ordinary interest. My revelations I now offer. That a good idea may be formed of the interior of an Irish Assize Court, while the Judge is trying prisoners, I shall borrow a description from the note-book of a late Queen's Counsel :<sup>1</sup>—

<sup>1</sup> Richard Lalor Shiel, Q.C.

“From the character of the crimes to be tried, as appearing on the calendar, I expected to find in the dock a collection of the most villanous faces in the community. It was the very reverse. I would even say that, as a general rule, the weightier the charge, the better the physiognomy and more prepossessing the appearance of the accused. An ignoble misde-menant, or sneaking petty larcenist, may look his offence pretty accurately ; but let the charge amount to a good transportable or capital felony, and ten to one but the prisoner will exhibit a set of features from which a committee of craniologists would never infer a propensity to crime. In fact, an Irish dock, especially after a brisk insurrectionary winter, affords some of the choicest samples of the peasantry of the country ; fine, hardy, muscular, healthy-looking beings, with rather a dash of riot about the eyes, perhaps, but with honest, open, manly countenances, and sustaining themselves with native courage amid the dangers which beset them, and many of them are, in fact, either as guiltless as they appear to be, or their crimes have been committed under circumstances of excitation, which, in their own eyes at least, excuse the enormity.”

Besides the accused in the dock, the witnesses on the part of the prosecution, often eager in their hot pursuit after justice, policemen thirsting for convictions, or parties smarting under the pain of bodily injury, or the deprivation of property, or those appearing for the defence, are subjects for study. These latter may be relatives of the accused, anxious for his restoration to liberty and fair fame by the verdict of “Not Guilty ;” they may be conspiring to obtain his release from the

dock by a pretended alibi, and in their turn demand the attention of the keen investigator. Then the acquirements of the professional advocates on both sides, their mode of conducting their cases, of shaping their questions when examining or cross-examining, their tact and legal knowledge when addressing the Court on points of law, or the jury on matters of fact, often prove a source of interest to the spectator. The conduct of the learned Judge, sometimes patient and reticent, sometimes hasty and garrulous, dull and dignified, quick and ungraceful, learned and pedantic, ignorant yet arrogant, forms not the least prominent figure in the picture. The interest created in the civil trials often equals, sometimes exceeds, that of the criminal. Many of them disclose extraordinary events, and display more romance than is found in many works of fiction. A writer in the *Law Magazine* says,<sup>2</sup> "If our grave reporters of law cases would adopt a course intermediate between the loose, hurried, and inaccurate reports of the newspaper, and the very grave and very dry professional reports, and with as much practical, living interest as the case admits of, our people would welcome their work and read them."

The writer of the article suggests that such a work should be "executed by a man of taste and discretion, dealing with delicate matters with a careful hand, and drawing out to view the inferences that may be of service in the conduct of life, impressing on everybody the impossibility of shirking responsibility by any

<sup>2</sup> *Vide* article on "Lawyers' Literature," *Law Magazine*, August, 1858.

other means than the due exertion of prudence at the right time, which is usually a long while before we suffer the consequences, often as severe as they are certain."

Whether I fulfil the ideas of the writer respecting taste and discretion, these pages will tell. In my sketches of judges and counsel, I have, I trust, to deal delicately and carefully, yet truthfully; and in my accounts of the trials, whether civil or criminal, I have selected such as might serve as guides in future times of peril, or assist in the due regulation of our conduct.

BRUCE *v.* FREWEN.

An action for slander was tried in the city of Limerick, in the year 1790, which excited no small degree of public interest. The plaintiff, Mr. George Evans Bruce, was a man whom public rumour branded with crimes of deep enormity. He was said to have amassed a large fortune by cheating at cards; that he had been expelled from society in London, and, having purchased property in the neighbourhood of the city of Limerick, when enclosing his ground, included along with it an angle which his next neighbour, Mr. Frewen, claimed as belonging to him. This was denied by Mr. Bruce, and, in the heat of assertion on the one part, and denial on the other, Mr. Frewen called Mr. Bruce "a rebel, a whiteboy, a blackleg, a swindler, and a knave." These words being considered defamatory, Mr. Bruce took legal proceedings, and the result was a trial in Limerick, when the damages were laid at five thousand pounds. The plaintiff, Mr. Bruce, retained as his counsel Mr. Preston and Mr. Keller, one of the

famous wits of the Munster Bar. For the defendant appeared Mr. Hacket, Mr. William Lloyd, Mr. Harry Deane Grady, and Mr. Thomas Grady. Mr. Preston, the leading counsel for the plaintiff, stated the case for his client with considerable ability. He dwelt, with much stress, upon the injury inflicted upon his client by the defamatory words used by the defendant, and quoted the familiar lines from Shakespeare,—

“ Whoso steals my purse steals trash,  
But he that filches from me *my good name* ”—

whereon every eye was riveted upon the ill-reputed plaintiff, and shouts of laughter rose on every side. The mirth was so continuous, so violent, and renewed again and again, that the learned counsel was compelled to sit down in silence, unable to finish the quotation until the order of “Keep silence!” which the Judge and crier pronounced, was observed.

When Mr. Preston was allowed to resume his address, he continued to urge the injury which would necessarily accrue to the country by conduct like that of the defendant, which would cause the departure of a gentleman who had introduced into it wealth almost immeasurable. Now, as Mr. Bruce was believed to be amassing large gains by lending, at usurious interest, to needy borrowers, this was almost as unlucky a hit as the previous quotation. Sighs and groans now took the place of laughter from the occupants of every spot in Court, and it was not until Jerry Keller, by some quaint drollery, restored the cause of the plaintiff, that he seemed to have any chance of a verdict. Two witnesses were called for the plaintiff. They proved

having heard the altercation between the plaintiff and Mr. Frewen, when Mr. Frewen called the plaintiff "a rebel, a whiteboy, a blackleg, a knave, and a swindler." When the examination on the direct of these witnesses ceased, Harry Deane Grady, though only two years called to the Bar, was directed by the senior counsel for the defendant, Mr. Hacket, to cross-examine the plaintiff's witnesses.

This young advocate had already displayed such pre-eminence in this necessary department of professional skill as to give promise of that future success which built up his forensic reputation.

The first witness for the plaintiff was a sharp-looking lad. He was a labourer in the plaintiff's employment. He was dressed in a green jacket, which gave Harry his cue, so he commenced,—

"Pray, my bit of evergreen, in what capacity do you serve Mr. Bruce?"

"I have care of his sheep," was the reply.

"Why, you look more like his sportsman than his shepherd. Don't you look after his *pigeons*?"

This so confounded the witness, he told, without delay, everything Harry Deane Grady sought to learn, as also did the second witness; and Harry, by his rapid fire of cross-examination, his droll remarks upon the dress and appearance of the witnesses, and comments on their answers, turned the tide of feeling strongly in favour of the defendant. Mr. Hacket then addressed the jury for Mr. Frewen. He did it admirably. The formal words of the declaration, in which the pleader describes the plaintiff as being of good name, fame, and reputation, the defendant's counsel,

with imperturbable gravity, affected to consider as a material and substantial part of the plaintiff's case. Addressing the jury, he said, "When this brief was put into my hands, gentlemen, I thought it was all a mistake—that the plaintiff was preparing for the other world rather than for a Court of Justice, and that this laboured panegyric upon himself was his epitaph, and not his declaration. As an epitaph it is an able production, but how far, in a Court of Justice, it will bear the test of investigation, I am a stranger and cannot tell; but you are a special jury of the County of Limerick, and must decide."

When Mr. Hacket finished his speech, the defendant's counsel called a few witnesses, after which Mr. Lloyd made a most powerful address on behalf of the defendant. Counsel for the plaintiff having replied, the Judge charged briefly. He left the case to the jury, who, without leaving their box, found their verdict: "For the plaintiff, *sixpence* damages."

The defendant, who was sitting at the table directly opposite to the plaintiff, gravely handed him a shilling, and said, "Take the worth of your character out of *that*, and give me the change." Tremendous cheering followed the announcement of the verdict both in and out of court. The jury were loudly complimented, and the populace tried to get hold of Messrs. Hacket and Lloyd to chair them, but these gentlemen avoided the compliment, and got quietly to their lodgings.

#### THE BITER BIT.

In the first year of the present century the office of High Sheriff of Limerick County was filled by the



plaintiff in the case just related, Mr. George Evans Bruce. He had been of some service to the potent Lord Chancellor of Ireland at that period, Fitzgibbon, Earl of Clare, and, despite the reluctance of the County Limerick magnates to associate with or acknowledge Mr. Bruce as of their order, such was the influence of the Lord Chancellor that he appointed Mr. Bruce a county magistrate. In order to testify their dislike to this Justice of the peace, when he appeared on the Petty Sessions Bench, the other magistrates in a body retired, and left him. But Mr. Bruce was not one of your thin-skinned gentry. He had vast riches. How he came by his wealth was darkly surmised, but, gotten fair or foul, he had the money. He became a banker in Limerick, and paid five thousand pounds for two hundred acres of land, situated on the banks of the Shannon, near the picturesque falls of Donass. Here he built a stately mansion, subsequently bought by Lord Massy for twenty thousand pounds.

Mr. Bruce, as already mentioned, was not a popular man. He had, it was reported, connived at, if not encouraged, the progress of disaffection towards the British Government during the Rebellion in 1798, then betrayed the unfortunate insurgents, and thus got credit with Lord Clare and the Irish Government to further his ambitious prospects. This led, as I have stated, first to his being appointed a magistrate, and next High Sheriff of Limerick County. But, unpopular as the High Sheriff was, another individual was still more so; this was Paudeen *Bocaugh* (crooked Paddy), *alias* Canty the Hangman. He was the executioner of the extreme penalty of the law upon the prisoners

capitally convicted at the Limerick Assizes. Paudeen Cauty was as ill-looking a sample of humanity as eyes could see. His face was almost hideous in its expression ; his eyes glared like those of a wild beast beneath their shaggy brows ; his nose was small, and a tinge of red denoted Paudeen's love for stronger liquor than Adam's ale, while his huge mouth, over which a broad grin usually lurked, gave a ferocious finish to his countenance. His figure was misshapen, whence he obtained the Irish soubriquet of Bocaugh or crooked—one shoulder being more elevated than the other, while the lower extremities were also out of gear, one leg being shorter than the other. This necessarily caused him to limp when he walked.

It happened, during Mr. Bruce's year of office as sheriff, that one of those fearful crimes which show the unfortunate relationship too often existing between landlord and tenant in Ireland, reddened the soil. A landlord, Mr. Going, desired to get rid of some turbulent tenants who were ready to fight or attend races, hurling matches, wakes, weddings, fairs, or funerals, but were by no means so ready to cultivate their farms or pay rent, and, therefore, were considerably in arrears. He served notice to quit as a preliminary to bringing an ejectment. While walking in his demesne at two o'clock on a fine frosty day in January, he was assailed by four ruffians, armed with heavy sticks, and beaten while life remained. When he was killed, the murderers departed. His poor young wife was the first to come to the fatal spot. The sight she witnessed thus suddenly deprived her of reason, and she was removed to a lunatic asylum. The hue and cry

was quickly raised, and four men, upon whom the murdered landlord had served notice to quit, were arrested under circumstances of grave suspicion. They had been heard exulting "that their land would not be taken from them by their hard-hearted tyrant landlord;" that "he was done for;" and heavy sticks, with the appearance of blood upon them, were found concealed in the thatch of their houses. The magistrates met, a large reward was offered by the county gentlemen for the discovery of the murderers, which was supplemented by the Government, and amounted altogether to five hundred pounds. This caused one of the gang to turn informer, and upon his evidence, strongly corroborated, three men were tried at the Limerick Spring Assizes in 1800 for the wilful murder of their landlord. They were found guilty, and sentenced to be hung on a gibbet not far from the very spot whereon they committed the terrible deed.

As Mr. Going, the landlord, had been murdered within the precincts of his demesne, almost within view of his dwelling, it was not deemed proper to execute the convicts so close to the family seat, but a cross where four roads met within half a mile of the demesne was the place where the gibbets were erected. Sentence was pronounced at the Spring Assizes held in Limerick in February, 1800, and the 1st of March was the day fixed for carrying out the dread sentence of the law. The morning dawned with torrents of rain, but, as the day wore on, the rain diminished to a thick drizzle, which veiled Nature in a dense mist. A low, moaning wind stole over the expanse of "Shannon's sheeted flood," and swept in gusts through the streets and

lanes of the city. Unpleasant as the day was, it did not prevent a vast concourse of the citizens collecting in the neighbourhood of the county gaol to witness the departure of the doomed men. The conversation of the expectant crowd, as we may suppose, was not very lively, and their remarks upon the character of the hangman was the reverse of complimentary to that functionary.

"Pity the brave *gossoons*<sup>3</sup> have to die a dog's death!" said one of the crowd. "Bad luck to the vagibone that ties their cravats!" said another. "Here they come, boys! A groan for the Sheriff!" — and a low growl of antipathy was increased in sound, and, swelling into a hoarse roar like the breaking of multitudinous waves upon a rocky shore, marked the hostility of the crowd to the High Sheriff of the county, Mr. Bruce.

The procession advanced, and soon a fresh object of popular dislike engaged the attention of the fickle mob. "A groan for Paudeen *Bocaugh*!" directed attention to the hangman, who was perched, somewhat ostentatiously, on the front of a long cart, in which the three men about to be executed were seated. He scowled angrily as groans and yells from the excited mob reached his ears, and raising his hand as if to ward off the curses and occasional missiles hurled against him, he muttered "how glad he'd be to have these boys under his hands on the gallows." The *cortége* crossed the city, and soon reached the open country. The day seemed inclined to brighten, and an occasional rent in the cloudy sky allowed a gleam of sunshine to pierce the gloom. As the

<sup>3</sup> Boys.

procession drew near the cross-roads, a vast crowd was observed to have assembled there, while high over the dark mass of human beings three gibbets rose ominously into the air.

It required the presence of a captain's strong guard of infantry to clear the space necessary for the sad preparations which were needed by the hangman to launch three human beings into eternity. Ere that sharp-witted functionary set to work, he held the following dialogue with the High Sheriff:—

"Yer honer," said Paudeen, "what is you to give me for dis job?"

"Your usual allowance—five pounds for each convict," replied the Sheriff.

"I won't take less than tin," said the hangman sturdily.

"Then you won't get it," was the prompt answer.

"Then you'll have to hang the boys yourself, Sheriff darlint," urged the insolent hangman with a sneer.

Mr. Bruce winced. He was quite unpopular enough already, and had no desire to be an amateur hangman.

"I'll commit you if you do not do your duty," he said sternly.

"Well, do, and see what good that will do you," observed the determined Paudeen. "But what's tin pounds to you? By all accounts, you're as rich as Crasis."

While this discussion was going on, the clouds increased in bigness and blackness, and rain recommenced falling with that steady persistence that denoted it had made up its mind to persevere. Mr.

Bruce looked at his watch, and noted the hour for the execution of the convicts was at hand.

"Come, Paddy," he said, in a tone meant to be coaxing, "say twenty pounds for the three and go to work at once."

"Not a rap—not a penny under thirty pounds, *ariguiwth chise*,"<sup>4</sup> was the dogged answer.

"I suppose I must agree," cried the Sheriff in a tone of mortification; "but you must trust me until I get back, as I have not the money with me."

"I'd trust ye no farder than I could throw ye, and that's not far," said the hangman. "Trust *you* indeed—not I! Maybe the officer there would lend ye the three tins."

The angry Sheriff went to the officer, and he, luckily, was able to hand out three ten-pound notes, which Paudeen clutched eagerly. He then leaped from the cart, and, taking the unhappy culprits in turn, adjusted the fatal noose. Having, by means of the cart, placed each on their respective gibbet, when the cart was withdrawn, the unhappy men expiated their crime upon the gallows. The effect on the immense crowd was solemn. The peasants knelt and prayed silently. Having done so, dark looks from many boded ill to the official whose hands had deprived these men of life. Paudeen hoped to escape further notice by crouching low down in the now empty cart, around which the guard had formed, anxious for the order to march back, and thus to get out of the rain. Before they left the spot, the High Sheriff called aloud to Paudeen,—

<sup>4</sup> "Money down."

"Leave that car, you rascal!"

Paudeen, as though uncertain who was addressed, remained where he was.

"Turn that scoundrel out of your cart!" said Mr. Bruce to the driver.

The driver approached to obey the Sheriff, when Paudeen called out,—

"Oh, Mr. Bruce! shure I'd bettther go back as I cum, or maybe de boys would hurt me."

"You must take your chance of that!" cried the Sheriff. "Come out with you this instant, or you'll be thrown out!"

"Oh, your honour, you would not have the heart to do it!" cried the terrified hangman, observing the angry looks of the enraged crowd.

"What! are you afraid?" said Mr. Bruce. "Unless you pay for your seat in my cart, out you go this moment!"

"I'm willin' to pay your driver anything in raysin," cried the half-maddened hangman.

"Not so," replied the Sheriff. "I pay *my* driver; *you must pay me!*"

"So I will, your honour. How much?"

"Thirty pounds!—not a rap, not a penny less," said the Sheriff, now in his turn master of the situation.

"Oh, you're joking! Shure that's all I have to depend on. Say five pounds an' I'll pay it."

"Not a rap, not a penny," persisted the Sheriff, who paid off the hangman in his own coin. While Paudeen was hesitating, a blow of a cudgel fell heavily upon Paudeen's head and settled the matter. The unhappy

hangman felt he would never return alive if deprived of the protection of the escort. He therefore returned Mr. Bruce the three ten-pound notes, and Mr. Bruce, having gained his point, directed the escort to close up, and, thus protected, the hangman reached Limerick—the biter bit.

“THE NOSEGAY” TRIAL.

Before leaving Mr. Bruce, I will relate another case in which he was concerned as plaintiff, and in which Mr. Grady, the junior counsel for Mr. Frewen in the action first stated, figured as the defendant. I also gave an account of his speech at the Bar meeting in 1798. This gentleman, Thomas Grady, was near-sighted, and called “Spectacle Grady” to distinguish him from other barristers bearing the same name. He was possessed of considerable abilities, but with an unfortunate propensity for satirical verse. His antipathy, once roused, never slept until it was satiated; and it was supposed some refusal on the part of Mr. Bruce to accommodate Mr. Grady by the use of money from his bank led to the composition of “The Nosegay”—one of the most ferocious satires ever penned. From the previous account of Mr. Bruce in my pages, some idea of his character may be formed. It was related that, while playing a game called “Quinze” at a London club, with the celebrated statesman and desperate gambler, Charles James Fox, in which the latter lost heavily, he suspected cheating, and, believing the outspread hand of Mr. Bruce covered a substituted five, exclaimed, “For a thousand guineas the five of clubs is under that hand!”—at the same time, snatching a fork from the supper-table, he drove the prongs through the



hand, effectually preventing its withdrawal. The surmise was correct. The five of clubs was under the hand, and the cheater ignominiously expelled the club. Such was the popular story, but, as neither of Mr. Bruce's hands bore any trace of the perforation, it was at least apocryphal.

The satire, which afforded grounds for the action for libel, opens with the supposed trial of the banker for various crimes, and the strength of the satire can be imagined from the following extracts :—

“ Come, ——, for tardy Justice takes her seat,  
Convicted usurer—convicted cheat ;  
In every mischief, aider or abettor—  
Self-vaunted infidel and tampering traitor !  
In daring prime, in principles unbuckled,  
Reluctant subject—voluntary cuckold.”

\* \* \* \* \*

“ See round the Court, of youths debauched, a group,  
Who sucked thy poisons while they supp'd thy soup ;  
Who haunt thy dinners, emulous to share  
Thy half-digested extracts from Voltaire ;  
Whose finer taste thy sense could never hit,  
Which caught th' impiety, but not the wit.  
Dinners, where mischief's never at a stand,  
Atheist and sharper joining hand in hand,  
Blest from combining to engulf the whole,  
To sink the property and damn the soul.”

Having continued in this strain, the poem thus refers to Mr. Bruce's charges for the loan of money :—

“ See on one side some minors, ruin'd boys,  
Whose lands you mortgaged to sustain their joys ;  
Who pay for nights in these sad vigils spent,  
A mild retributive of cent. per cent.”

The reference to the before-mentioned incident while playing at quinze with C. J. Fox is thus forcibly stated :—

“ But see aloft, and near the Sheriff’s box,  
 The black-brow’d spectre of poor Charles Fox ;  
 See, with one hand his angry eyes he rubs,  
 And in the other holds the Five of Clubs!  
 Some fools assert plurality of wives,  
 Thy doctrine was *plurality of fives* ;  
 And by this doctrine, heterodox and rank,  
 You built a palace, and you stock’d a bank ;  
 But sold the palace, where no neighbour came,  
 Mark’d while you lived there—Mansion of ill-fame.”

This statement about selling his house on the banks of the Shannon was true. He paid about five thousand pounds to Mr. Waller for the ground, expended at least ten thousand in building a fine mansion, with suitable offices and pleasure-grounds, which he sold to Lord Massy for 20,000*l*.

The terrible satire goes through many episodes of the banker’s career—some not fit for our pages. We must be content with the following lines near the end of “ The Nosegay.”

“ Yet in the dark and dreadful midnight hour,  
 O God ! this caitiff owns Thy sovereign power.  
 It happen’d once, by some unlucky doom,  
 I lay, not slept, in his adjoining room ;  
 ’Twas then I witness’d of his soul the pangs,  
 The stripes of conscience, and of guilt the fangs ;  
 Scared by fierce visions from his feverish rest,  
 He saw ten thousand daggers at his breast.  
 ‘ Murder, ye villain ! murder ! ’ he exclaimed,  
 And of his many victims some he named ;

Now seem'd the pistol's menace to evade,  
And parried now the visionary blade :  
Now the most hellish imprecations utter'd—  
Now, half-suppress'd, the litany he mutter'd ;  
And now, confounding blessed spirits with evil,  
Invoked by turns the Saviour and the devil.  
Thus pass his nights, which fear and fury spare—  
A sad *mélange* of blasphemy and prayer."

This scathing satire was at once attributed to Thomas Grady, and an action for libel commenced. The damages claimed by Mr. Bruce were twenty thousand pounds, and an able Bar was retained on both sides.

The case was tried by a special jury of the County of Limerick in 1816, and O'Connell—who was one of the counsel for the defendant—made a most powerful speech, reiterating the chief accusations which were contained in the satire. After the case had closed, and the jury retired, there was considerable speculation as to the verdict, and some disappointment expressed when they awarded the plaintiff damages 500*l*.

This sum the defendant resolutely refused to pay. He possessed some property in the neighbourhood of Limerick, sufficient to support him in exile, and he went to Brussels, where he remained during the remainder of his life. He was the author of many poems, but none made so much noise as "The Nose-gay."

## CHAPTER XXVIII.

## CIRCUIT RECOLLECTIONS.

Called to the Bar in 1838.—The Munster Circuit.—Leaders and Juniors.—Literary Cork men.—Circuit Companions.—George Bennett, Q.C.—Death in 1856.—Serjeant Jackson, M.P.—Strong political and religious feelings.—Much esteemed on circuit.—Member for Bandon.—Called to the Bar in 1808.—A Judge of the Common Pleas.—Death in 1857.—Right Hon. D. R. Pigot.—Success at the Bar.—Member for Clonmel.—Chief Baron in 1846.—A dilatory Judge.—Death in 1873.—Stephen Collins, Q.C.—Early promise.—The Chitty of the Irish Bar.—His great ability.—Collins and Henn, Q.C.—Collins and Judge Torrens.—An unreported speech.—Early death.

I was called to the Irish Bar in Easter Term, 1838, and went the Summer Assizes on the Munster Circuit of that year. The traditions of the circuit were renowned and historical. It had long been famous. Here, in former days, went Hussey Burgh, Barry Yelverton, John FitzGibbon, and Curran. Hither, in later years, practised Charles Barton, Richard Pennefather, Quin, Woulfe, Waggett, Goolde, O'Loghlen, and O'Connell, and now the places of these eminent lawyers were filled by George Bennett, Q.C., Serjeant Jackson, Q.C., Jonathan Henn, Q.C., Stephen Collins, Q.C., and David R. Pigot, Q.C., among the seniors, while, of the juniors, James O'Brien, Boyle Keller,

Jeremiah J. Murphy, and Richard Lane, had great practice, and William Deane Freeman the dock to himself.

I joined the circuit in Cork, the city which has given birth to so many famed in literature and art—the witty and learned Dr. Maginn and Father Prout (Mahony), Daniel O. Madden, Justice M'Carthy, Michael Joseph Barry, John George M'Carthy, M.P., Ralph Varian, J. F. Maguire, M.P., and other writers of poetry or prose, or both; while in art it can claim as its own such renowned celebrities as Barry, Maclise, Hogan, Forde, and many others inscribed upon the rolls of fame. I was kindly welcomed by the senior member of the circuit, the late estimable George Bennett, Q.C., and, being the youngest member, was duly installed as the junior. My duties were not very onerous; to collect the mess subscriptions, to uncork the wine-bottles, keep an account of those who dined at mess, and calculate the “whips” to pay each day's expenses, were my chief employments.

We were a very pleasant, social party at the Bar mess. Our senior—styled the Father—was Mr. Bennett, in the absence of Mr. Lyne, the oldest barrister, popularly called Con Lyne, who was not able to go circuit on this occasion. Mr. Bennett was a tall, thin man, with a long, Quixotic visage, rendered remarkable by a prominent Williamite nose. He was son of one of the judges of the Court of King's Bench, and held the office of Crown Prosecutor on the entire circuit. He was not a very deeply-read lawyer, but had abundant common sense, great knowledge of the Irish character, and a homely style of addressing juries—more powerful in getting verdicts than the

most eloquent address that ever came from human lips. It was almost impossible to doubt the truth of the case he stated in such simple language, with an unsophisticated air that made calling witnesses to prove his statements almost a work of supererogation. He was often pathetic, and shed tears at will. Sometimes he was jocose, but rarely. Stating a case for two brothers, named Hawkes, who were plaintiffs against the defendant, Mr. Nagle (both common names in the county of Cork), he began by saying, "Gentlemen of the jury, this is a fight between two Hawkes and a(N)Eagle." He got his silk gown when Lord Man-ners was Lord Chancellor in 1822, and said, "I'd rather he gave a silk gown to my wife."

Mr. Bennett was an admirable *raconteur*, and it was a great treat to hear him relate some of the occurrences which marked his great experience in criminal cases. Two cases, in which an alibi was the defence, I remember he told as follows:—"A strong, well-featured countryman was tried at Cork for highway robbery near Fermoy. He met a farmer returning from the fair of Fermoy, and robbed him of a pound note and some shillings. We proved the case for the Crown, but it appeared the prosecutor had imbibed several pints of porter and some glasses of whisky, but he swore point blank to the identity of the prisoner. The police arrested him in Cork, and he denied all knowledge of the prosecutor.

"When we closed for the Crown, a respectable-looking farmer, in the loose frieze coat, corduroy breeches, and leather gaiters of his class, got on the table, and, being sworn, said that, on the very night in question, he

saw the prisoner in one of his fields, near Midleton, stealing turnips ; that he tried to get at him, but the hedge was too strong for one of his bulk to get through, so he had to get round to the gate ; that the prisoner must have heard him, for he made off, leaving the sack half-filled with turnips, but he stole a bran-new spade, which his (witness's) landlord, the Earl of Shannon, had just made him a present of, and he had left it just where the prisoner was drawing the turnips. The Judge asked the witness was he sure the prisoner was the man he saw in the field. The witness said he could not possibly be mistaken. He often saw the prisoner lounging about the streets in Midleton, and was sure he was the man who stole his spade.

“The Judge asked how he recollected the time so exactly.

“The witness said he had been at the funeral of his sister's son on that day at Rathcornac, and had just got home when he saw the prisoner in the turnip-field.

“The Judge felt it his duty to direct the jury, if they believed the last witness, to acquit the prisoner, which they instantly did. Then, turning to the witness, who was still on the table, he said, ‘Go round to the Grand Jury, who are now sitting, and an indictment will be prepared against the prisoner for stealing your spade.’

“‘Long life to your lordship!’ said the witness, ‘’twill be a good deed to punish the blaggard for stealing my illigant spade.’

“The farmer left the court, laughing, no doubt, at the way he humbugged us all, for he was an accomplice of

the prisoner. Of course he never went near the Grand Jury, and as there was no other charge against the prisoner, he walked forth a free man."

Another of Mr. Bennett's Circuit Recollections also turned upon an alibi. "A man was indicted for stealing a purse with 20*l.* in notes from the pocket of a horse-dealer near Kildorrerry, Co. Cork. The horse-dealer had sold a horse at the fair of Kildorrerry, and was returning to his house near Rockmills, when the prisoner and another man jumped from behind a ditch, knocked him down, and the prisoner put his hand into the breast pocket of his coat, took his purse, in which he had put the twenty pounds he got for the horse, and made off. The night was fine and bright. He (witness) had a distinct view of the prisoner's face, as the prisoner bent over him on the road and took his purse. He was sure the prisoner was the robber. The police were soon on the look-out for the prisoner, but it was long before they arrested him. They took him in Limerick. The prisoner was the man. This was our case for the prosecution, and we were sure of a conviction. The defence was an alibi.

"A most venerable-looking clergyman, the rector of one of the parishes along the coast of the County of Clare, came on the table, and said he could give evidence of the innocence of the prisoner.

"His appearance was very prepossessing; his face beamed with benevolence, and his white hair, and rosy, gentlemanly deportment won respect. On being sworn, he said he had known the prisoner nearly all his life. The prisoner was in his employment. He remembered the night stated, and the indictment which charged the



prisoner with robbery in the County of Cork. He solemnly swore that on that night the prisoner was with him in his house in the County of Clare, and remained with him till very late.

“‘What was he doing?’

“The witness declined to say.

“I pressed the question.

“The witness appealed to the Judge, who considered it perfectly immaterial—the fact of the prisoner being elsewhere than in the place laid in the indictment was all the jury had to consider. The case was sent to the jury, who, on the strength of the alibi, acquitted the prisoner.

“Some time elapsed before I again met the Reefer. It was in Wales. I was travelling in a stage-coach from Holyhead to Chester, and he was my sole companion. I reminded him of the case, and he coloured a little as I said I was very anxious to learn why he refused to tell me what the prisoner was doing for him at the time.

“‘Well, Mr. Bennett,’ he said, ‘as we are not now in Court, and you can take no advantage of my admission, though you are Counsel to the Revenue, I do not fear to say *he was distilling potteen.*’”

Mr. Bennett held his office as Crown Prosecutor until he ceased going circuit. He died in the year 1856.

Joseph Devensher Jackson was a very distinguished member of the circuit. He was a native of Cork, and his family had been engaged in mercantile pursuits which turned out a failure. He was involved to some extent, but his practice at the bar enabled him not only to satisfy the creditors, but to assist his family,

and he always bore an unblemished character. In conjunction with Serjeant Lefroy he took an active share in the working of the Kildare Education Society—chiefly engaged in proselytizing, or, as some Irish wit remarked, “converting the Papists from the errors of the Church of Rome, to embrace those of the Church of England.” Mr. Jackson was a strong politician of the Tory party, and represented the then congenial borough of Bandon before the spread of Liberal principles swept away the old traditions of the town, which is said to have had the inscription on its entrance,—

“Turk, Jew, or Atheist,  
May enter here, but not a Papist,”—

which was pungently noticed by the celebrated priest, Rev. Arthur O’Leary, who added,—

“Who wrote these lines, he wrote them well,  
*For the same are written on the gates of Hell.*”

But, whatever the political or religious feelings entertained by Mr. Serjeant Jackson, they certainly never were displayed, either in his social habits or his professional conduct. To his brethren on the circuit he was a gentlemanly, agreeable companion. “George Bennett, introduce me to that junior,” were the first words I ever heard him utter when I entered the Bar mess-room, and as we shook hands I found added another to my list of legal friends. He had been called to the Bar in 1808, and earned a high reputation for ability. His speeches to the jury were excellent, though his powers of long-windedness caused O’Connell to give him the soubriquet of “Leather-lungs.” He

was of great use to the Tory party in the debates, and his speeches are preserved in the volumes of Hansard from 1836 to 1842. He was appointed one of the three Irish Serjeants in 1834, and in 1841 became Solicitor-General. He did not long continue a law officer, for in the following year he was raised to the Bench of the Court of Common Pleas. His career on the Bench was exactly what might have been predicted. All his cherished political and religious feelings gave way before the responsibility imposed by his judicial rank, and he distributed justice with an impartiality never surpassed. He was a merciful and humane judge. On every occasion he seemed to feel that the judge ought to be the advocate of the prisoner. He liked to be with his old circuit companions, and therefore constantly went the Munster Circuit. He was very courteous, and greatly respected. He died on Sunday, 20th December, 1857.

Another leader of the Munster Circuit whom I joined was the Right Hon. David Richard Pigot. He was a native of Kilworth, a small town close to my native town of Fermoy, and his father, Doctor Pigot, had been physician to my mother's family. I understand Mr. Pigot was originally intended for the profession of his father; but after some years' study of medicine he changed his views, and became a most diligent law student.

He was called to the Bar in 1826, and, the Whigs desiring to promote Roman Catholics, Mr. Pigot was appointed Attorney-General. He became Member for the borough of Clonmel. Though it was unusual for an ex-Attorney-General and Privy Councillor to go

circuit, Mr. Pigot did so when displaced from office by the change of Government, and had very large circuit practice. He continued to be my circuit companion until 1846, and, when in the neighbourhood of Fermoy, we met occasionally in society. But he was a very selfish man, and even the members of his wife's family had reason to regret his indifference to their prospects. This, I dare say, was not owing to any want of affection, but to a ridiculous over-sensitiveness, lest he should be accused of promoting his own relations and friends. When Chief Baron Brady was appointed Lord Chancellor in 1846, the chief seat in the Court of Exchequer was bestowed upon Mr. Pigot, and he sat upon the Bench until his death in 1873.

After the lapse of a quarter of a century, the estimate of his judicial character was the following:—"The appointment of Mr. Pigot as Chief Baron of the Exchequer was a just tribute to his extensive legal knowledge, to his forensic abilities, and his engaging personal qualities. But if the promotion was one that reflected credit on the Government of the day, and seemed unexceptionable, so far as materials then existed for forming an opinion on it, time has shown that it was a costly one to the Irish public. The many merits, and the one original demerit of the Chief Baron, have long been known throughout the length and breadth of the land, and it is not too much to say that the latter has so neutralized the former, and has even so converted them into positive mischiefs, that the interests of justice would be better served if the court were permanently closed."<sup>1</sup>

<sup>1</sup> *The Irish Times*, March 3, 1871.

Through conscientious feelings, and an anxiety to render full justice, he investigated every case so minutely that days rolled into weeks before trials were over, and while the legal practitioners reaped harvests, clients were undone, and the patience of witnesses and jurors exhausted. Though the columns of the press and the voice of the public repeatedly urged him to retire, he held on to the Bench until 1873, when death closed his earthly career. He is buried near Mitchelstown, in the county of Cork.

Among the leaders of the Circuit whose fame I would perpetuate in these Recollections, was Stephen Collins, Q.C. In stature he was small and slight, with pleasing features, a ready smile, and good, resonant voice. He wore spectacles, and suffered much from rheumatic pains.

From his boyhood he displayed great love of learning, and his unwearied industry speedily developed his great mental powers. He devoted himself to the study of law, and few were called who had enriched their minds more fully, with all that the most accomplished lawyer should know. The broad and deep principles of Common Law and Equity, the technicalities of special pleading, the practice of *Nisi Prius*, the rules of evidence, he had at his finger ends. He married the daughter of a legal house, the daughter and sister of Masters in Chancery, Miss Henn, and it was related on the day of his marriage, when returning with his bride from church, Mr. Collins stopped at a law-bookseller's to purchase a law-book, and afterwards attended a consultation. Also, when on his way to the levées at the Castle, he might be seen reading his briefs.

His great legal knowledge, especially of special pleading, caused him to be styled "The Chitty of the Irish Bar."

I never knew any member of the profession more ready in arguing points of evidence, or with a mind more fully stored with cases in point, and able to quote them at a moment's notice. This, of course, might be expected from his immense practice, for nothing tends more to root cases in the mind than the constantly applying them, and quoting them to establish principles. Mr. Collins' readiness in discomfiting an adversary, and his great skill in conducting intricate cases, made him eagerly sought, so that from end to end of the Circuit he was sure to have a brief in every record.

It was amusing, as well as interesting, to listen to the legal encounters daily occurring on Circuit between him and Jonathan Henn, his distinguished brother-in-law. Mr. Henn was equally a profound lawyer, but not so fond of skirmishing or propounding small points as Mr. Collins, and their encounters often reminded me of the combat described by Sir Walter Scott between Saladin and the Knight of the Leopard. The moment Mr. Collins would try to get an answer from a witness which was important, but not legally attainable, Henn, who knew perfectly what his wily adversary was driving at, would object. He would sometimes urge his appeals in this fashion, especially during the hot days of the Summer Assizes,—

"Now, Collins, you know such a question ought not to be put. Don't lead. Do not oblige me to argue every question now and the *weather so hot*."

Judge Torrens was greatly annoyed by finding Mr. Collins constantly objecting to his charges, and calling on him to direct the juries on certain points. The Judge was a shallow lawyer, and had no desire to have bills of exceptions taken. This having gone on for some time, when next Mr. Collins began,—

“ Now, my lord, that the jury have retired, it is my duty to submit to your lordship a few objections.”

“ Mr. Collins, are they in writing ? ” asked the Judge.

“ Yes, my lord.”

“ Then, as it is too late to discuss them to-night, please hand them to my Registrar. He can add them to the rest of your notable points, and if you go on at this rate they will make a goodly volume by the close of the circuit.”

Mr. Collins bowed and said,—

“ If this volume is completed, I hope to be allowed to dedicate it to your lordship ! ”

Though frequently employed in addressing juries, Mr. Collins was not an eloquent speaker. He was too matter-of-fact. He never soared into the realm of fancy, or gave the reins to his imagination. Only once, during our twelve years' circuit companionship, have I heard him make what might be called an eloquent as well as able speech. It was when replying to the defendant's case in an action for breach of promise of marriage, *Campion v. Drew*. I had opened my notebook to report him, but, observing several short-hand writers for the press present, thought “ I may save myself this trouble—he is sure to be fully taken.” I then heard a speech replete with eloquence, pathos

and such a line of argument as made a deep impression on all who heard it, and evidently the jury thought so, for they awarded the fair plaintiff 1500*l*. Next morning I went early to the office of one of the Cork papers. I found Mr. Collins before me. I congratulated him on his eloquent speech and the verdict. We both got copies of the paper, but what was our regret to find his beautiful reply condensed to twelve lines. He died young; I believe he overtaxed his strength. He rose at the dawn, and was in his study each morning at six o'clock. He was at his briefs until breakfast, again until past ten, when he went to the Four Courts. Here he was incessantly employed until four o'clock. He then usually rode or walked until his dinner-hour, and worked again in his study often until a late hour. He died at an early age, deeply and deservedly mourned. One of his sons is a member of the English, and I believe another of the Irish, Bar.



## CHAPTER XXIX.

## CIRCUIT RECOLLECTIONS.

Harry Cooper, Q.C., called in 1806.—His social qualities.—High opinion of his legal abilities.—Rapidity of utterance.—Cooper and Judge Perrin.—Cooper and Judge Crampton—Kindness to a starved dog.—Death in 1841.—William Deane Freeman, Q.C.—The Freemans of Castlecor.—Called in 1817.—Case before Lord Norbury, C.J.—Employed to defend prisoners.—Legal pun.—Mr. Allen.—Assault on Mr. Freeman.—Trial of Mr. Allen, junior.—Henn's speech for the defence.—Verdict and sentence.—Sudden death of Mr. Freeman.—Serjeant Stock.—Right Hon. Francis Blackburne.—Called in 1803.—Admirable court manner.—Lines on Blackburne.

ANOTHER very estimable and able leader on the Munster Circuit in 1838 was Harry Cooper, Q.C. He was called to the Bar in Hilary Term, 1806, and King's Counsel in 1835. He was advanced in life at this time, and disappointment had somewhat soured his temper, but he was in good practice on circuit, and extremely popular. At the Bar mess he was a most agreeable companion, full of anecdote and pleasantry; not only witty himself, but called forth wit from others. Sometimes, indeed, his gaiety was not very discreet. He would ask a very pious member of the Bar to "sing a hymn," or rally a discomfited pleader about his mistake. He prided himself much upon his legal knowledge. Speaking of a very successful member of the circuit, he said, "I have forgotten more law than he

ever knew ;” and of another, recently promoted to the Bench, “I possess a pound’s worth of law for every sixpence worth he has,” which caused a mutual friend to reply, “Then, does he not deserve the more praise for making his sixpenny worth go farther than your pounds?”

On one occasion some pleas of Harry Cooper’s were sought to be struck out for prolixity, and a motion for that purpose was made before Baron Pennefather. Cooper resolutely denied the pleas could be condensed. The Baron was inclined to be of a different opinion. He read over one of Harry’s, and, by leaving out several averments, which he considered immaterial, reduced it fully one-half.

“I demur to that plea,” insisted the resolute Counsel, “and if it is set down for argument in any other Court in this hall, I’ll beat your lordship.”

Harry’s powers of utterance were marvellous. I have heard many rapid speakers in my time, but all fade before him. He had a mode of pouring out words so as to be at times almost unintelligible, and some one happily designated him as “talking short-hand.” It certainly required stenography to attempt reporting him; he jerked out whole sentences in a breath, and was very impatient at the least interruption. I once heard him address Judge Perrin, who also was very intolerant of noise, in the following terms, which Cooper’s rapid style rendered very ludicrous :—

“I wish to God, my lord, you’d commit these old women who are coughing in the gallery. I’m told you committed two old women yesterday, for sneezing.”

Another time, when arguing in the Court of Queen’s

Bench before Chief Justice Bushe and Judges Burton and Crampton, Cooper suddenly paused.

"Pray go on, Mr. Cooper," said the Chief Justice.

"I can't, my lord," replied Harry, "while Judge Crampton is shaking his head at me."

"I really was not aware of it," said Judge Crampton.

"Perhaps, Mr. Cooper," observed the Chief Justice, "you do not know that my brother Crampton is a lineal descendant of Lord Burleigh."<sup>1</sup>

"Oh, my lord, that accounts for it," answered Harry, and turning round to me, he whispered, "He," meaning Judge Crampton, "is as great an actor as ever Lord Burleigh was."

Joshua Clarke, Q.C., told me the following instance of Cooper's humane disposition for the brute creation. "One evening after mess in Limerick, I took a walk with him, we strolled along the quays, and passed the historical castle, and reached the Irish town. The evening was dark, and as I had no desire to be benighted in those squalid streets and dirty lanes, I suggested we ought to return.

"Just come a little farther, Clarke," he said, 'there is a poor dog here that's almost famished.'

"We reached a miserable doorway, and out bounded the starved dog, that leaped about Cooper, yelping with joy. He had good reason for his rejoicing. Cooper took from his pocket a paper containing bread and meat, and enjoyed the pleasure of seeing the dog devour his meal."

Mr. Cooper died in 1841, and it is said his death was

<sup>1</sup> Crampton's name was Philip *Cecil*, and in Queen Elizabeth's time much significance was attached to Lord Burleigh's nod.

chiefly owing to his resolution not to seek the aid of a physician.

Another of our leaders, William Deane Freeman, Q.C., was a native of the County of Cork, born at Castlecór, near Mallow. His family were long settled in that picturesque region, and greatly respected. During the penal days when Roman Catholics were dispossessed of their patrimonies by persons called Discoverers, more than one family transferred their properties to the Freemans, who, thus became *quasi* proprietors, and held the land in trust for their Catholic neighbours.

William Deane Freeman was very handsome, and had a dignified, aristocratic bearing, that proclaimed his good descent. He was called to the Bar in 1817, and shortly afterwards was junior in an action of Assumpsit, on a Bill of Exchange, tried in the Common Pleas before the facetious Chief Justice Lord Norbury. The handsome face and well poised figure of the young barrister attracted Lord Norbury's attention. "Jackson," he said in a low tone to his registrar, "what is the name of this junior?"

"Mr. Freeman, my lord," replied the registrar.

"Mr. Freeman," he repeated, "of the county of Cork. A most respectable family."

Then addressing the junior, his lordship said, "Sir, I congratulate you, you are a most promising young man, sir. I protest I never heard the money counts more ably stated in all my life, and I hope, like the newspaper now on the bench before me, you, will be a *Daily Freeman*<sup>2</sup> in my court."

<sup>2</sup> *The Freeman Journal*, then, as now, one of the leading Dublin daily newspapers.

Mr. Freeman had considerable practice on the Munster Circuit, but his principal source of emolument was derived from defending prisoners. In this branch he was very able, and for years had the dock to himself. He possessed signal qualities for this work; great knowledge of the class of men by whom prosecutions during the days of Whiteboys and followers of Captain Rook were chiefly sustained. Men lost to every feeling but greed of gold, ever ready to betray their accomplices in crime. These were the men Mr. Freeman had to attack, and he was ever ready, nay, eager for the encounter. Quite aware of their foe, these ruffians would fence, and parry, and evade answering him until the truth was wrung from them, and their own share in the crime laid bare before the jury.

Mr. Hatchel, Q.C., who rose to be Attorney-General, and Commissioner of the Court for Relief of Insolvent Debtors, was also famous for his skill in unmasking witnesses of this class. He adopted a different method from that pursued by Mr. Freeman. While the latter used the *fortiter in re*, Hatchel used the *suaviter in modis*. He played with the witness as a patient angler with a heavy fish. He gave him his own time, and led him on, gently, while the witness told his own version, the wary counsel seemed to assent to the answer, for he would say "exactly," "just so," until having given the adverse witness rope enough to entangle him, he suddenly brought him up, and obliged him to confess his story was untrue. Mr. Freeman used no such gentleness. He put his questions in a peremptory and dictatorial manner, and often roared at a witness, as if, by sheer strength of lungs, to force him to reply. Then

his speeches to the juries were shouted rather than spoken.

A witty barrister, on being asked, "Is Freeman a sound lawyer?" replied, "Well, that involves the *veraxata quæstio*, whether *roaring* be *unsoundness* or not."<sup>3</sup> Mr. Freeman was too arrogant to be popular, and had some disagreement with a Mr. Allen, who resided in the neighbourhood of Kanturk. Mr. Allen brought an action against a client of Mr. Freeman's, named Clancy, which came on for trial before Mr. Sergeant Greene. In addressing the jury for the defendant, Mr. Freeman spoke in very contemptuous terms of the Plaintiff, styling him "Billy Allen," and denouncing his conduct in strong language. This provoked Mr. Allen to forget himself, and he put out his tongue very offensively towards Mr. Freeman. The haughty Queen's Counsel no sooner observed this gross breach of decorum than he paused in his address to the jury, and, turning towards the Judge, he said, "My lord, this person has the presumption to put out his tongue at me, while I am addressing the jury on the part of my client."

Mr. Allen at once rose, and addressing the Judge said, "I am very sorry for having done so, my lord, but Mr. Freeman, I think was—"

The Judge interrupting him said, "I do think Counsel was indulging in observations stronger than the case required, but this ought not to have caused such offensive conduct."

Mr. Freeman rudely said, "My only reason for com-

<sup>3</sup> Horses with diseased lungs are termed *roarers*, but veterinary surgeons are not agreed if such infirmity amounts to positive unsoundness.

plaining of the act is my dislike to see a tongue upon which there is so much filth."

Mr. Allen thereupon got very indignant, and used some expression drowned in the tumult in Court, after which Mr. Freeman resumed his speech to the jury.

But the matter did not end here. The son of Mr. Allen was naturally indignant at the language used by Mr. Freeman, and assaulted him next morning, when proceeding to the court-house. We were in our usual seats, and Sergeant Green had just mounted the bench when Mr. Bennett, Q.C., rushed in breathlessly, and said,—

"My lord, a transaction has this moment occurred to which I beg to call your lordship's attention. While Mr. Freeman was on his way to this court-house he was met by a young gentleman named Allen, son of the plaintiff in the case before your Lordship yesterday. This young gentleman struck Mr. Freeman, telling him, while doing so, that it was in consequence of Mr. Freeman's observation on Mr. Allen, his father." Mr. Bennett then asked his Lordship for immediate redress. If his Lordship considered it not a case to be summarily disposed of, as the city grand jury were still undischarged, a bill of indictment for the assault might be sent to them; but both he, Mr. Bennett, and Serjeant Jackson considered that as the blow was inflicted in the street in front of the court-house, it might be regarded as a direct contempt of court; more especially when connected with the words used by the assailant, "Take this for what you said in court yesterday." Mr. Serjeant Jackson also declared, if

this outrage was not speedily punished, and an example made of the perpetrator, there would be no security for the Bar or for the public.

Judge Ball was sitting in the next court, and Mr. Serjeant Greene went to advise with him upon this subject. After a short absence he returned to us, and said, "Judge Ball concurred with him in opinion that, as the transaction did not occur within the precincts of the court, he had no summary jurisdiction to deal with it."

A bill of indictment was then prepared, which contained three counts. One charging the assault with being committed with the intention of provoking Mr. Freeman to send a challenge to fight a duel; another with the intention of provoking a breach of the peace; and the third for a common assault.

The grand jury, on the evidence of Mr. Freeman, found the bill, and the case came on for trial before Serjeant Greene.

Serjeant Jackson, M.P., stated the case for the prosecution. He referred at some length to the privileges of the Bar, to which he and his learned friend Mr. Freeman belonged. He insisted these privileges were beneficial to the public, and that neither life, character, or property would be safe if these privileges, which were essential to support them all, were not upheld. He then detailed the assault on Mr. Freeman, which he characterized as a most flagrant outrage on these privileges, and, under the circumstances, demanded most exemplary punishment.

William Deane Freeman, Q.C., was then examined, and proved the attack upon him, the blow, and the



words used. He identified the prisoner as the individual who committed the assault.

He was cross-examined by Jonathan Henn, Q.C. He admitted "that Mr. Allen, senior, the father of the prisoner, was an aged man. He was over seventy. In the address to the jury the witness had called him 'Billy Allen.' He had never been on terms of intimacy with him. In his speech he described the conduct of the plaintiff as 'unrighteous' and 'atrocious.' He told the jury that Mr. Allen entered into an agreement and took money respecting it, although he had resolved to break it. These expressions he used in the hearing of the young gentleman on his trial. He admitted that he (witness) was excited, and his language might be deemed offensive."

Another witness saw the assault, but did not identify the prisoner.

Mr. Henn, Q.C., then addressed the jury on behalf of the prisoner. It was, as all his speeches were, a model of bar eloquence and ability. He "lamented the case had been brought forward by Serjeant Jackson as an infringement upon the privileges of the Bar. As a member of that profession, no man was more ready to assert, or desirous to maintain, these privileges than he was. They however existed, not for the benefit of its members, but for the benefit and protection of their clients. When the counsel forgot the legitimate purpose for which these privileges were instituted and designed; when he gratified private resentment, or indulged in vituperation, in order to satisfy vindictive feelings, he (Mr. Henn), as a member

of the Bar, disclaimed the notion of any one so acting sheltering beneath the shield of those privileges. Mr. Freeman admitted that, in the presence of the court, and before this great county assembled, he had repeatedly called an old gentleman, a magistrate of this county, a gentleman old enough to be his father, with whom he was on no terms of intimacy, by the derisive epithet of 'Billy Allen.' That, moreover, he characterized Mr. Allen's conduct as 'unrighteous' and 'atrocious.' Mr. Allen yielded to the infirmity of our frail human nature, and, goaded by such provocation as he received, did what he (Mr. Henn) did not stand there to justify. But was there no allowance to be made for his wounded pride, for the excitement of his feelings, for natural irritation? No! All the allowance was to be made for Mr. Freeman. Mr. Freeman candidly admitted he was excited, and could not restrain himself, and indulged in language of an offensive description. When Mr. Freeman forgot what was due to old age—to the tribunal he was addressing, to the profession of which he is a member, when he forgot what was due to himself as a gentleman—it is idle to call this the *use*—it was the *abuse* of the privileges of the Bar."

Mr. Henn contended the conduct of the prosecutor palliated, if it did not justify, the action of the prisoner. He asked the jury, as fathers, what they would have felt if their sons did not resent such insults as had been cast upon old Mr. Allen? As sons, how would they hold up their heads if they permitted with impunity their fathers to be treated with derision and contempt? He concluded by beseeching the jury to

estimate the feelings which induced the son to resent the insult inflicted on his father.

The learned Judge having charged the jury, they found the prisoner "guilty of a common assault," with a strong "recommendation to mercy, as the provocation was so aggravated." Not guilty on the other counts.

The recommendation had due weight. The traverser was sentenced to a fine of 10*l.* and a month's imprisonment.

Mr. Freeman was Assistant Barrister for the County of Galway, and died suddenly while presiding in the Quarter Sessions Court.

We occasionally had the Serjeants doing duty as Judges, when illness or any other cause deprived us of one of the twelve. One of the learned Serjeants who presided on the Bench of the Munster Circuit in my time was Serjeant Stock. I had met him some years previously; when, in company with a number of German students, I was rambling along the banks of the Rhine, and found the Serjeant a very agreeable companion. He was far more at home amongst the vine-clad hills of Prussia or the art treasures of Bavaria than listening to law arguments from the Munster Bar or charging juries from a Munster Bench. Patient and laborious on the Bench, he certainly was kind and courteous, as was his nature, but he was not very capable as a circuit Judge.

On one occasion the companion of Serjeant Stock was the Right Hon. Francis Blackburne, Lord Chief Justice of Ireland. He had previously been known as special Counsel on the Munster Circuit. He was a singularly able man, called to the Bar in Trinity

Term, 1803, and filled the highest offices in the legal profession. When the elevation of Chief Baron Joy left the office of Attorney-General vacant, Mr. Blackburne was appointed in 1831. He held this office until 1835, and we had the advantage of his presence as special Counsel in Cork some years later. He was clear and plausible in his statements, his arguments displaying great ingenuity. He had a most agreeable voice, and his language—always refined—showed considerable oratorical power. He had great practice in the Equity Courts, and it was only on very rare occasions he accepted a brief in a *Nisi Prius* case. Of course he always received a large fee in special cases. It is the fate of greatness to be the mark for detraction, and, in the *Comet*, a satirical newspaper published in Dublin in 1832, when Mr. Blackburne was Attorney-General, the following lines appeared:—

“ Whom next of the wigg'd gentry shall I sing ?  
Whom but the Attorney-General of the King,  
The smug-faced BLACKBURNE, so sedate and sleek,  
So calm and smooth—so sanctified and meek,  
One of luck's children—the happy few  
Whose legal fame transcends the law he knew.  
Whose moderate talent with a solemn mien,  
Deportment grave, and countenance serene,  
Gave him a name at the capricious Bar  
Denied to others his superiors far,  
In the high attributes of mind and span,  
Which tells the sage, the lawyer, and the man.  
His legal tenets less profound than neat,  
Display more plausibility than weight,  
His arguments, though artful and refined,  
Rarely impress conviction on the mind.

Though fortunes frolic, and preposterous Whigs  
Bestow'd precedence o'er all rival wigs,  
On them fatuity's broad brand to stamp,  
A Tory general in a Whiggish camp.  
Who, when his patrons fled, still held his place,  
To greet their victors with a friend's embrace,  
And celebrate with them the fall of those  
Who persecuted friends, and cherish'd foes."

Mr. Blackburne was possessed with such a thorough knowledge of Irish affairs—legal, political, and civil, that when an English nobleman, who had been appointed Lord-Lieutenant of Ireland, inquired of some friend better versed in the manners and habits of the Emeralders than his lordship, "how he should rule the country with least danger of becoming unpopular," the answer was, "Keep a good cook and rely on Blackburne."

He was a most agreeable companion, affable and courteous, a skilful musician, sang sweetly, and possessed a fund of anecdotes which he readily and pleasantly narrated. He always shunned Parliamentary life.

While I attended Circuit, many other leaders of the Bar of other Circuits occasionally came to us as special Counsel. Among them were Thomas, now Lord O'Hagan, Dr. Ball,<sup>4</sup> and one whose recent death has caused

<sup>4</sup> The Right.Hon. John Thomas Ball, now Lord Chancellor of Ireland. This very eminent lawyer was born in 1815, called to the Bar in 1840, and received the silk gown in 1854. He became Vicar-General of the Province of Armagh in 1862; Queen's Advocate in 1865; and Solicitor-General in 1868, in the same year he was elected a representative for the University

very general regret, the late Lord Chief Justice Whiteside. Some mention of the great forensic qualities of this great Irish orator may be interesting to my readers.

of Dublin. He filled the office of Attorney-General in 1868, and again in 1874, and in the following year received the Great Seal as Lord High Chancellor.

## CHAPTER XXX.

CIRCUIT RECOLLECTIONS.—RIGHT HON. JAMES WHITESIDE.

First acquaintance with Mr. Whiteside.—His effervescing manner.—His dramatic talents.—The Rupert of the Bar.—Contrast to his brother-in-law, Mr. Napier.—Humour and pathos.—Compared with other orators.—His career.—Notice of his speech on the O'Connell State Trials.—The Cork local Bar in 1838.—Mr. Forsayeth, the Recorder.—Joseph Scannel.—Francis A. Walsh.—Called to the Bar in 1836.—Settled in Cork.—Exclusive practice in the local Courts.—His professional ability described by Baron Richards.—His hospitality.—Death.

MY first acquaintance with Mr. Whiteside was in my law student days, when he was a member of the outer Bar. He was then engaged in the business usually entrusted to junior counsel. It was certainly entertaining to behold, as well as to listen to him, addressing the Court. His tall, sinewy frame, draped in the forensic robe, his large, massive head, covered by the orthodox Bar wig. His eager, earnest features working with energy, a satirical smile playing round his mouth, and the merry twinkle of the eyes denoting a spirit ready for fun, while his lips gave utterance to a flow of words that evinced an inexhaustible vocabulary. Then his long arms, how they worked! one moment revolving like the sails of a windmill, the next brandishing his brief like a knight's mace, now slapping the nearest bench as though to give

force to his very emphatic words, and all this gesticulation, and energy and argument, and vehemence and effervescence about some trivial motion.

It could never be said of Mr. Whiteside, as Grattan said of Flood, "On a small subject he was miserable; give him a distaff, and, like Hercules, he made sad work of it; but give him a thunderbolt, and he had the arm of a Jupiter." Mr. Whiteside made sad work with neither distaff nor the thunderbolt, for it was the same arm wielded both, and he made as much noise, and used as much force, and, perhaps, produced as much effect with the distaff as any less vehement junior would with the bolt of Jove. This indomitable energy, when backed and sustained by very excellent legal knowledge, both of the principles and practice of his profession, soon placed Mr. Whiteside in lucrative business in the Nisi Prius Court. He was constantly opposed in professional duties to his brother-in-

law,<sup>5</sup> Mr. Napier, then, also, a rising junior, and going the same (the North-East) Circuit. It was worth while to mark the contrast between these two able men. While Mr. Whiteside was all effervescence, reminding one of a mountain torrent after rain, foaming, seething, boiling, fuming, overrunning with power and impetuosity, Mr. Napier was cool as an icicle, quiet, smooth, calm, unruffled; the arguments of the one came roaring and tumbling, like a mountain stream, the language of the other fell calm and waveless as a sheltered rill; but, as the old adage, "still waters run deep," the legal lore of Mr. Napier, and his

<sup>5</sup> Mr. Whiteside married Miss Napier, sister of the eminent Ex-Lord Chancellor of Ireland, Sir Joseph Napier, Bart.



clear and beautiful style of argument, which had all the lustre of a polished gem, was fully a match—and often more than a match—for the fiery vehemence of Mr. Whiteside, the Rupert of the Bar. For solemn argument in Court I much preferred Mr. Napier's manner; but for a rollicking trial at *Nisi Prius* no member of the Bar, in my time, could approach Mr. Whiteside. Mr. Holmes was very good, keen, ready, and satirical; Mr. McDonagh admirable in his adroitness, his great knowledge of his profession, his cautious sagacity, and uniform yet studied politeness; Mr. Hatchell, a master of tact, displayed great experience as a common-law lawyer, with first-rate talents for cross-examination; Mr. Fitzgibbon, always perfectly prepared, but slow and totally devoid of humour. As a learned friend once said, "It would take a cyder-press to squeeze a joke out of him." Mr. Whiteside excelled them all. His manner was perfectly dramatic, and every art and effort that his abilities enabled him to use were enlisted in the cause of his client. Watch him! He pounces, like a falcon upon a pigeon, on some weak point in the case of his adversary. How terrible is his denunciation of the conduct pursued towards his deeply-injured client! Listen to the impassioned tones in which he pleads for justice against the wrong-doer, and you hear eloquence—true, genuine, fervid eloquence. It is not confined to mere words, though these are of the best, and plenty of them. No; his looks, his actions, his attitudes are all in harmony. He is convulsing the Court with laughter by his comic description of some part of the case of his opponent, and the expression of his face, the animation of his

look, the shake of his head, are perfectly irresistible. You cannot choose but laugh. Lo ! at a wave of the harlequin's wand he becomes pathetic ; his voice is suddenly changed—the mirth vanishes, the laughter dies away, the orator's deep voice comes forth in mournful accents. His plaintive tones awake an echo in your soul, and a tear moistens the eye and a sob falls on the ear. This is true eloquence—the spell that moves men's souls—and no one, I am persuaded, who ever heard Mr. Whiteside and was not prejudiced could withhold from him the orator's crown. Truly indeed has it been remarked, “ He has not the poetical imagery of Curran, his gorgeous drapery of thought, his blue and purple trappings glittering round the limbs of his fierce and fiery Pegasus, the deep Irish feeling, the Ossian-like wildness of his Celtic imagination ; he has not the classical and philosophical language of Burke ; he has not the vivid phraseology and sparkling wit of Sheridan, the glowing eloquence of Canning, the electrical flashes of Shiel, or the depth, breadth, and intellectual height of O'Connell ; but he has splendid talents of his own, and a style of speaking that at once commands attention, because it is forcible, impressive, and well sustained throughout.”

It can cause no surprise that talents such as these were soon recognized, and brought their possessor fame and fortune. Mr. Whiteside was in great request as Special Counsel, and his social qualities made him a favourite at the Bar mess when he was with us on the Munster Circuit.

Mr. Whiteside was a native of the county of Wicklow, born in Delgany, where his father was rector, on

the 13th August, 1806. Having been a most diligent law student, he was called to the Bar in 1830, and received the silk gown of Queen's Counsel in 1842. Perhaps his greatest legal oration was for the traversers during the O'Connell State trials in 1843, though his speeches in defence of Smith O'Brien and in the Yelverton case were also very remarkable. In 1851 he was elected member of Parliament for Enniskillen, and soon was a distinguished supporter of Conservative politics in the House of Commons. When Lord Derby became Prime Minister in 1852, the two brothers-in-law—Napier and Whiteside—were Attorney and Solicitor Generals. When Lord Derby again became Premier in 1858, Whiteside was Attorney-General, and in 1859 was returned for the Dublin University as colleague to Mr. Lefroy. He continued a very leading member of the House of Commons until 1866, when he was appointed Lord Chief Justice of the Queen's Bench, Ireland, on the resignation of Chief Justice Lefroy.

He continued to preside on the Bench for ten years. He died in Brighton, whither he went for change of air, on the 25th November, 1876.<sup>6</sup>

#### THE CORK LOCAL BAR.

Beside, and in addition to, the barristers who usually went round the Munster Circuit in my time, there were some others who formed a Cork local Bar. These consisted chiefly of Mr. Forsayeth, the Recorder, Mr.

<sup>6</sup> I contributed a memoir of the Lord Chief Justice to the *Law Magazine and Review* for May, 1877.

Joseph Scannell, and Mr. Frank Walsh, Professor of Law in the Queen's College. Mr. Forsayeth was the chief in position and practice. Called in 1824, he looked the wise and erudite lawyer. He discharged with great ability the duties of the Recorder's Court of Cork, and not only hailed with pleasure the preparation of my "History of the Munster Circuit," but kindly went to much trouble in seeking for materials for its construction. He always was well prepared in Court. His questions to witnesses seldom gave rise to objections or discussions. He was master of the law when any question of law came to be argued, and as justly popular with Bench and Bar as with his fellow-citizens. Mr. Forsayeth continued to discharge the duties of Recorder until the close of the year 1877, when he died; but, mindful of the want of a law library for the use of practitioners, he made the following bequest:—

"I give my law-books, at No. 8, Morrison Quay, to Philip William Bass, James Lane, Sylvester Gillman, Thomas Babington, Atwell Hayes Allen, to hold as trustees for the benefit of the members of either branch of the profession who reside in or near Cork, or shall practise there as barristers or solicitors, subject to such rules as to admission as the trustees think proper."

This valuable donation comprised over 1500 volumes of modern text-books and reports. The Mayor of Cork for 1878, an eminent solicitor, William Virling Gregg, convened a meeting of the solicitors of the County and City of Cork, which was held in the Solicitor's Room, in the Court-house of Cork, when a scheme was brought forward, which, with the ap-

proval of the Munster Bar, was to carry out the late Recorder's legacy. .

Mr. Joseph Scannell, another of the Cork local Bar, was a gentleman of considerable ability, but not a very profound lawyer. He had no pretensions to eloquence or legal arguments, but was always prepared for his work. He was careful, accurate, and modest, and fought his cases in a very business way.

Frank Walsh, the most popular member of the Cork local Bar, was an exceedingly able man. Our acquaintance began in our student days, when we dined together at the King's Inns, in Henrietta Street, and the flow of jest, anecdote, song, and speech which delighted his fellow-students, drew around his hospitable board in Cork a large circle of friends. He was son of a medical practitioner in Cork, and, in remote times, one of his ancestors filled judicial offices in the Province of Munster.

Possibly a desire to reach the position of this learned judge induced young Frank Walsh to become a member of the Irish Bar. In his school-days Cork possessed a treasure in the shape of a schoolmaster—the learned and accomplished Martin John Farrell. At his seminary most of the Catholic youth of the city and county obtained the priceless blessing of a good education, and one of the most gifted of the many gifted natives of the beautiful city attending this school was Francis Andrew Walsh. Those who shared the lessons with him remember with pride his poetic effusions, which soon gained him the title of Poet-Laureate of the school, and the composition of some poem of more than ordinary excellence was sure to

be preferred as a claim (usually allowed) for a holiday.

In the literary societies of Cork the young law-student sharpened his intellect, and found the use of his tongue. I cannot over-rate his talents as a speaker. No one excelled him in versatility or in ability. Whatever the subject demanded, be it grave or gay, lively or severe, he was ready—his vocal armoury had a supply of weapons suited for the purpose of attack or defence, and his language was quite adapted to the case. If an adversary was to be laughed out of court, Frank Walsh poured forth playful criticism, light raillery, sparkling wit ; was the case one demanding serious argument, he was calm, self-possessed and dignified ; was the occasion one needing the heart to be stirred, he was energetic, nay, was passionate in his tones.

It was my happiness for many circuits to have lived on intimate terms with him, when his genial nature and manly virtues made every one his friend. He was called to the Bar in 1836. He settled in Cork, and his professional talents soon gained him full employment. In the local courts throughout the various sessions towns in both ridings, the Recorder's Court and the Spring and Summer Assizes found him in large and lucrative practice. That such an ornament to the Bar should confine himself to a province when he could have had the kingdom for his client, was often a source of regret to his friends, and judges going the Munster Circuit for the first time, having no previous acquaintance with Mr. Walsh's ability, were always taken by surprise.

Baron Richards told me his experience in these words :—" I well remember the impression Mr. Walsh made on my mind when I heard him first. I was trying a mercantile case of great importance in Cork ; there was a very able Bar at both sides. Mr. Walsh was junior for the plaintiff, but did not do much, except examine some witnesses. The case for the defendant closed earlier than was anticipated, for both the plaintiff's senior counsel were absent, and one of them was to have replied for the plaintiff. Mr. Walsh modestly asked me to postpone the case until one of the seniors could be procured, and I was disposed to yield, knowing the difficulty of a junior under such circumstances, especially with a very serious case ; but the Assizes had already been much protracted ; jurors were impatient at being kept from their business, and the defendant's counsel insisted on Mr. Walsh going on. They knew him better than I did, and rather laughed at the notion of his modesty. He had not uttered two sentences before I felt relieved. Mr. Walsh was perfect master of the case. He had law and facts at his fingers' ends, both were placed before the jury in the most lucid order, and his speech was replete with a beauty of expression and power of language I never heard surpassed. He got a verdict, and many a time have I had the pleasure of hearing him afterwards."

His house in Marlborough Street, Cork, was the resort of the members of the Munster Circuit who enjoyed his agreeable society. Here I have met Mr. (now Lord Justice) Deasy, James O'Hea, and his talented brother, John, one of the best magistrates and

jurors in Ireland, Michal Barry, Quintin Kennedy, Denny Leonard, John Bennett, and Father Mat Horgan, who enlivened our excellent fare with wit and humour. Music also we had. Mr. David A. Nagle, Mrs. Walsh's son by her first husband, then a youth, was a most accomplished pianist, and John O'Donavan a splendid performer.

When the Queen's College of Cork was forming its staff, Frank Walsh became the Professor of Law, and his ability was soon recognized. He continued to give the students the benefit of his talents and his clients his professional aid until the Spring Assizes of 1852, when he became seriously unwell. His excellent wife attended him, and the ablest physicians were unremitting in their efforts to restore him to those who loved him, but in vain. He died in August, 1852, widely and deservedly lamented.



## CHAPTER XXXI.

THOMAS OSBORNE DAVIS, BARRISTER-AT-LAW.

Reasons for giving his Memoir.—Born in Mallow in 1814.—His descent.—The historic associations of Mallow.—The haunts of Thomas Davis.—His temperament.—Davis's salutary jest.—Collegiate career.—Auditor of the College Historical Society.—Called to the Bar.—Unfitted for success at the Bar.—Friendship between Davis and the author.—Appearance and manner.—The *Dublin Morning Register*.—A member of the Repeal Association.—The *Nation* newspaper.—John Blake Dillon.—Reasons for starting the *Nation*.—The editor.—Success of the *Nation*.—Davis's poetry.—Lord Jeffrey's opinion.—Miss Mitford's estimate.—The British Association in 1843.—Thomas Davis my guest.—Our tour on the Blackwater.—Letter from Thomas Davis.—Death in 1845.—Hogan's monument.—Poem on the dead patriot.

I HAVE hitherto given memoirs of Irishmen who won fame and distinction by their professional achievements. I now proceed to record the fame of one who, though called to the Irish Bar, never, I believe, addressed the Irish Bench. It is not because Thomas Davis was my personal friend, of whose friendship any man would feel proud to boast; not because he was gifted beyond all his cotemporaries with knowledge; not because he loved the scenery, traditions, and history of Ireland, as I did, and made them known by his works, I introduce him here, but because, though brought up and educated in the prejudices of Irish Pro-

testantism, he opened his heart to his Roman Catholic fellow-countrymen, rose superior to the narrow sectarianism of race and creed, and devoted his life to make the Irish people truthful, manly, and self-reliant. He considered that much of the agitation in which they were engaged was a hollow pretence; he sought to make it a reality. He believed that if the Repeal of the Union was to be effected, it would only be effected by the combined efforts of Irish Protestants and Roman Catholics. He knew the Protestant support would not be given to an uneducated and disorderly mob; and he laboured to elevate the thoughts, feelings, and aspirations of his countrymen. What means he used to do this will appear in my sketch of his brief but useful life.

Thomas Davis, born in 1814, was a native of Mallow, a historic and picturesque borough town, pleasantly situated on the north bank of the Munster Blackwater, in the county of Cork. Though of a Celtic nature, truly *ipsis hibernis hiberniores*, Thomas Davis had little Milesian blood in his veins. His father was English, or of English descent, from a Dorsetshire family, his mother was of the respectable race of Atkins, of the County of Cork. Through her, indeed, he could trace some kinship with the O'Sullivans, chief of Berehaven, and it is worthy of note that the *Nation* newspaper, which was projected, and, in fact, established chiefly by Thomas Davis, has been now for many years the property of a branch of this Celtic family, edited, until recently, by Alexander M. Sullivan, M.P., author of "New Ireland," and now ably conducted by his brother.

The parents of Thomas Davis moved in the most respectable society of the Bath of Ireland, as Mallow, in the days when its Spa attracted the votaries of fashion, was called. There was much in the scenery of his native place to awaken the poetic and patriotic feelings of the boy. The stern old walls of Mallow Castle had witnessed several sieges in the days when the Lords President of Munster held their Court within its ramparts. Not far stands Kilcolman, where Edmund Spenser penned the "*Faerie Queene*," and near it is Newmarket, where John Philpot Curran was born and reared.

Like Curran, Davis drank inspiration on the banks and braes of the great river, as the Avonmore rolls through the barony of Duhallow, and in his poem "*The Rivers*," when contrasting the Munster with the Ulster Blackwater, Davis thus describes the banks of his native stream :—

"Far kinder the woodlands of rich Convamore,  
And more gorgeous the turrets of saintly Lismore ;  
There the stream, like a maiden,  
With love overladen,  
Pants wild on each shore.

The rocks rise like statues, tall, stately, and fair,  
And the trees, and the flowers, and the mountains and air,  
With Wonder's soul near you,  
To share with and cheer you,  
Make Paradise there."

Davis visited the ruined castles and minutely investigated the grand old abbeys along the banks of the Blackwater, mixing freely with the people at fairs and

wakes, and imbibing every day of his young life deep draughts of love for his native land. He possessed, like Curran, a passionate, warm, generous heart, but, unlike Curran, at least in his manhood, Davis never gave way to mirth or merriment. The only joke I could ever discover in which he took part was the following. The master of the school where he was a boarder was of convivial habits, and usually required the aid of the bannister to help him upstairs when he rolled off to bed. One night some mischievous boys rubbed the bannister with mud and dirt, so that the master did not reach his couch with clean hands. Incensed and indignant, when the next morning disclosed the trick perpetrated upon him, the schoolmaster declared his intention of making a public example of any boys who had dared to insult him in so gross a way. This, of course, prevented his getting any information respecting the offenders. Days passed, and no one could be prevailed upon to inform against his companions. Then the master changed his tactics, and offered a handsome sum as a reward for any boy who would tell him "*who had a hand in it.*" Thereupon, to the surprise of the school, uprose Thomas Davis, and he said "he would tell for the sake of the reward." This statement was so different from the generous, manly nature, and disposition of Thomas Davis, the boys were all perfectly astounded. The master, with a grim smile, anticipating the delight of satisfying vengeance long delayed, promised Davis "not only the reward, but protection, in case of need."

Davis, however, said, "he only required the reward, to give in charity."

"Now, Tommy, good boy," said the master, "who had a hand in it?"

"You, sir!" cried Davis exultingly, to the infinite relief of all juvenile parties concerned. "You must admit you had a *hand in it*."

The shout of laughter that arose from every side was shared in by the master. Davis got the reward, and he gave it to the poor, and we may be sure he lost nothing in the estimation of his schoolfellows.

Davis received an excellent classical education, and, when sufficiently prepared, entered Trinity College, Dublin, about the year 1830. His University career was highly successful. He graduated with distinction in 1835. He gained a junior moderatorship in ethics. Science was his chief study. He was an excellent mathematician, delighted in ethics, and was a profound historian. He dived deep into the old sources of Irish history, and few who acquired lore at that not very inviting fountain turned their knowledge of the early period of our national annals to better account. Having taken his degree in the Dublin University, he left the College of the Trinity with the respect of all his contemporaries. During his residence in Trinity College he was a diligent member of the renowned College Historical Society, and was elected auditor, but he was more distinguished for the solidity and copiousness of his arguments than for the grace of delivery. He never was a fluent speaker. When selecting a profession he studied for the Bar, to which he was called in 1838, the same year with me. The genius and bent of Thomas Davis's mind was not adapted to the legal profession. That readiness and

sharpness of intellect, that smart, energetic, bustling, pushing manner, which enables men to work their way in a profession like the Bar, was not possessed by him. He was shy and reserved, and, though he donned the Bar wig and gown daily, and attended the Hall of the Four Courts, he got no business, and, perhaps, did not care to get any.

Contemporaries in legal standing, and natives of the same valley of the Blackwater, he and I soon became acquainted, and I never was more drawn to any one, save Mr. Baldwin, as to Thomas Davis. We were of about the same age, and we had many tastes in common, great love of country, and admiration for art. But he was far my superior in general information—in his intimate knowledge, not only of Irish, but European history, and ability in imparting information. He was of slight figure, inclined forward, his eager Celtic face lighted up by kindly-beaming eyes, a mouth that would indicate sarcasm, if the gentle heart did not prevent any such display. His manners were easy and gentlemanly, but he was quick in movement. There was no rudeness, no self-assertion; even when giving sound advice, or imparting information as valuable as it was important, it was done with diffidence, and often an apology. No wonder such a man had troops of friends, and among the pleasing memories of my somewhat chequered life is that I enjoyed the friendship of Thomas Davis, and that he was my guest at my dear father's hospitable board, where he passed some time with me in the barracks of Fermoy.

Not long after being called to the Bar, Davis turned his attention to the state of Irish politics. In 1840 he

became connected with the *Dublin Morning Register*, a newspaper the property of Mr. Staunton, of which another patriotic young Irishman was, I believe, the editor—the late John B. Dillon, M.P. Davis contributed a series of spirited articles to the *Register* on the state of Europe, showing from the clouds in the political horizon that a European crisis was at hand, and arguing that Ireland in the crush of empires would be able to effect the Repeal of the Legislative Union with Great Britain. At this period O'Connell had established the Repeal Association, of which Thomas Davis was an active member. He was fearless when advocating opinions he deemed right, and on the question of education had the courage to differ from O'Connell, for whom he felt personally a very sincere regard. The necessity of possessing a journal to advocate the views of the party, known afterwards as "Young Ireland," induced Davis, John B. Dillon, and some others, to establish a newspaper called the *Nation*.

John Blake Dillon was a fitting associate with Thomas Davis in any literary and patriotic enterprise. He also was a personal friend of mine, and one of the most attractive men, mentally and personally, I ever knew. He was strikingly handsome, with marked, regular features, great flashing dark eyes, a complexion of southern bronze, and black hair—the port of a prince and the tread of a soldier. He was tall—over six feet—and finely proportioned. His manner comported with his appearance. It was frank and winning—no one could meet him without feeling confidence and esteem. While conversing with Dillon, Davis

suggested the advantage of having a journal that would be more thoroughly national and independent than the organs of the Liberal party in Dublin. They concurred in the opinion that a newspaper with bolder aims and higher style of articles than those usually contained in the Irish papers was desirable, and they resolved to start one.

Another and deeper thought inspired Davis. He doubted the reality of the agitation for the Repeal which had been carried on. He had no confidence in many of those men who, from hustings and platform, shouted for Repeal, and who in Parliament bartered for place. He hated shams, and suspected the people were made the tools of designing place-hunters. He also believed that the teaching of the people was not calculated to advance them in the way to achieve the restoration of an Irish Parliament, or to enable them to use it beneficially, if restored. He found that the persons likely to be selected to succeed the unworthy men who exchanged their native Legislature for cash or place, would, if elected to an Irish Parliament, sell their country as in days gone by, and he resolved to labour and make the people wiser and better, than to make so great a mistake. This he felt could not be done save by a journal bold in language, free and unshackled in its dealing with political questions, and independent of the patronage of those who hold the reins of Government, be they Whig or Tory. So Thomas Davis and John Blake Dillon<sup>1</sup> looked out for

<sup>1</sup> John B. Dillon was also called to the Bar. He was an enthusiastic member of the party known as "Young Ireland." After the rising in 1848 he went to America. Having remained



an editor for the projected journal. They had not long to wait. Charles Gavan Duffy,<sup>2</sup> for some time editing a popular Ulster newspaper, the *Belfast Vindicator*, was prosecuted by the Government for a libel. He had attended the trial, and, while walking with Davis and Dillon in the Phoenix Park, was made acquainted with the newspaper project entertained by his companions. Mr. Duffy cordially approved of the idea. He possessed the requisite business knowledge, and consented to become editor. Thus was started the *Nation*, thenceforward an able exponent of Irish aspirations, then and since.

A brilliant band of Celtic enthusiasts soon sought literary fame by contributing to the columns of the *Nation*. Many of these young and ardent spirits, who expected to make Ireland in the nineteenth century rival Ireland of the eleventh, recall the glories of Brian the Brave, and restore the fallen fortunes of the Celts. Thomas Davis was chief and leader of the native band. There were others as full of zeal and patriotism, others equal in spirit and energy, but none approached him in power of thought, clearness of intellect, in soundness of judgment. He knew what work was required to construct a people fit for freedom, and manfully he set about the herculean task. The

there some years he returned, was elected M.P. for Tipperary, and died near Bray.

<sup>2</sup> Mr. Duffy edited the *Nation* for some years. He was among those prosecuted by the Government in 1844, and shared O'Connell's captivity. He was M.P. for New Ross, and subsequently went to Melbourne, Victoria; became Prime Minister and Sir Charles G. Duffy.

Irish had long been told their good qualities, their great virtues, their ancient fame. He had to show them their shortcomings, their besetting vices, and urge their abandonment, if they wished to rival the fame of their sires. He bade them shake off the lethargy of despair, and be up and doing—to cease looking to others for help, and, instead, to help themselves. He advocated education as the safest and surest road to freedom—inculcated the axiom that knowledge is power. He sought to infuse his genial love for Ireland into the hearts of the people, and laboured incessantly to this end.

The success of the journal exceeded the hopes of the promoters. It seized fast hold upon the popular mind, for its articles were far above the usual standard of newspaper writing, and in proof of this I may refer to Davis's "Essays," published since his death by the enterprising Irish publisher, Mr. Duffy, of Wellington Quay, Dublin, while poetry flowed forth, the result of his soul yearnings. The truth of the classic adage, "*Poeta nascitur, non fit*," was fully exemplified in his case. He wrote poetry, as has been well said of him, "from external necessity to teach rather from internal necessity to sing. He sang at the call of his country rather than at the voice of his own soul. It was Pegasus in historical harness, helping to draw the people along a heavy road, full of ruts and furrows, rather than proudly bearing a poet up the steep of Parnassus. But it matters little whence the incentive comes, so that it quickens a fruitful nature. Possibly, if Davis had lived longer, the politician might have killed out the poet."

The young patriots condescended to write in the language, to use their own phrase, of the Saxons, so it is to the English tongue we owe the beautiful lyrics of Thomas Davis. The editor of the *Nation* had faith in the well-known saying of Fletcher of Saltoun, "Give me the writing of the ballads, and let who will make the laws," and, in default of other aid, the regular contributors to the new journal resolved to attempt that task themselves. It is difficult to believe, but the editor of his poems dwells upon it as a well-known fact that, up to this time, 1842, the author of "The Sack of Baltimore" had never written a line of verse in his life, and was, indeed, far less sanguine than his coadjutors in the success of the experiment. How completely he succeeded there is no need to tell, although nearly all that he has written was the work of little more than one hurried year, thrown off in the midst of a thousand occupations and a thousand claims.

The critical editor of the *Edinburgh Review*, Lord Jeffrey, thus praised Davis's poems. Recommending them to a friend, he says, "There are some most pathetic, and many spirited pieces, and all, with scarcely an exception, so entirely national. Do get the book and read it."<sup>3</sup>

Miss Mitford, also, in her "Recollections of a Literary Life,"<sup>4</sup> thus records her high estimation of the poetry of Thomas Davis:—

"Considering his immense reputation in the sister island, the name of Thomas Davis has hardly found its due place in our literature. He was an Irish barrister,

<sup>3</sup> Life of Lord Cockburn.

<sup>4</sup> Vol. i., p. 22.

the most earnest, the most vehement, the most gifted, and the most beloved of the Young Ireland party. Until the spring of 1840, when he was in his twenty-sixth year, he had only been remarkable for extra good nature, untiring industry, and very varied learning. At that period he blazed forth at once as a powerful and brilliant political writer, produced an elegant and admirable 'Life of Curran,' became one of the founders of the *Nation* newspaper, and carried his zeal in the cause of nationality to such excess that he actually proposed to publish a weekly journal in the Irish tongue."<sup>5</sup>

In the autumn of 1843 the British Association for the Advancement of Science met in Cork, under the presidency of the great astronomer, the Earl of Rosse, and Thomas Davis was my guest. I used to joke with him about his being within the protection of the Fermoy barracks, then in charge of my father, and while steaming about the shores of the Lee and Queenstown, or Cove, as it was then called, we landed at Haulbowline. I brought him to the hospitable residence of the storekeeper, and, as we surveyed the piles of munitions of war, and pyramids of cannonballs, I said to Davis, "These were the pills the Young Ireland party would have to swallow if they ventured on an outbreak." We had none, thank God! in his time. We made the tour of the Blackwater together, which the estimable and popular Sir Richard Musgrave was endeavouring to have made navigable to Fermoy. I read a paper on this subject before the Statistical

<sup>5</sup> This project is now likely to be an accomplished fact.

Section of the British Association at Cork, which afterwards was added to, and published as "The Historical and Picturesque Guide to the Blackwater in Munster." While considering where I could find materials for this work, the post brought me the following letter :—

"DEAR O'FLANAGAN,—I see by the newspapers that you are going to publish an illustrated guide to the Blackwater. Pray put me down as a subscriber. I strongly advise you to take time and much labour to it. If it be not done with profound research, and graphic description, and brought out with engravings or woodcuts, in a high style, it will be a disservice to you, and to what you take such an interest in. Windele, of Cork, had some idea of re-editing Smith's 'History of our County,' and could certainly give you valuable information and references. You ought to leave no authority in the Royal Irish Academy or College unsearched. A panoramic map of the Blackwater might be issued with, or after, your book.

"Pardon the liberty I take in suggesting these matters, and believe me,

"Truly yours,

"THOMAS DAVIS."

This letter is quite characteristic of my dear, excellent friend. He cheered me by his advice, directed me where to find references, how I should bring out the work, and apologized for taking such a liberty.

Acting on his suggestion, I wrote at once to Mr. Windele, the well-known local historian and antiquary

of Cork, and I need not say how kindly he responded, and gave me much valuable aid.

I had the satisfaction of knowing my published "Guide" perfectly satisfied Thomas Davis, who, in his essay on "Irish Scenery," alludes to it in very complimentary terms.

But, alas! the end was near. Before the general public were aware of his illness, the cold hand of death had snatched Davis from all he loved on earth—his country, his family, and the object of his heart's affection.

On the 16th September, 1845, at the early age of thirty-one years, Thomas Davis died. The wail of sorrow which arose from every quarter of the kingdom attested the universal grief for his great loss. A national monument was soon in preparation, and the work of Hogan stands near his grave in the cemetery of Mount Jerome.

The following poem, from one who knew and loved him, if deemed inharmonious English, has melody for the Celtic heart, and it was appended to a carefully-written notice of Davis in the "Dublin University Magazine :"—

"I walk'd through Ballinderry in the springtime,  
When the bud was on the tree ;  
And I said, in every fresh-plough'd field beholding  
The sowers striding free,  
Scattering broad cast forth the corn in golden plenty,  
On the quick seed-clasping soil,  
Even such, this day, among the fresh-stirr'd hearts of  
Erin,  
Thomas Davis, is thy toil.

- "I sat by Ballyshannon in the summer,  
And saw the salmon leap;  
And I said, as I beheld the gallant creatures  
Spring, glittering from the deep,  
Through the spray, and through the prone heaps striving  
onward  
To the calm deep streams above,  
So seekest thou thy native founts of freedom, Thomas Davis,  
In thy brightness of strength and love.
- "I stood by Derrybawn in the autumn,  
And I heard the eagle call,  
With a clangorous cry of wrath and lamentation,  
That filled the wide mountain-hall,  
O'er the bare deserted place of his plunder'd eyrie,  
And I said, as he scream'd and soar'd,  
So callest thou, thou wrathful, soaring Thomas Davis,  
For a nation's rights restored.
- "And, alas! to think but now, and thou art lying,  
Dear Davis, dead at thy mother's knee;  
And I, no mother near, on my own sick-bed,  
That face on earth shall never see;  
I may lie and try to feel that I am not dreaming,  
I may lie and try to say, 'Thy will be done,'  
But a hundred such as I will never comfort Erin  
For the loss of her noble son!
- "Young husbandman of Erin's fruitful seed-time,  
In the fresh track of Danger's plough!  
Who will walk the heavy, toilsome, perilous furrow,  
Girt with Freedom's seed-sheet now?  
Who will banish with the wholesome crop of knowledge  
The flaunting weed and the bitter thorn,  
Now that thou thyself art but a seed for hopeful planting  
Against the resurrection morn?
- "Young Salmon of the floodtide of Freedom,  
That swells round Erin's shore!  
Thou wilt leap against their loud oppressive torrent  
Of bigotry and hate no more:

Drawn downward by their prone material instinct,  
Let them thunder on the rocks and foam ;  
'Thou hast leapt, aspiring soul, to founts beyond their raging,  
Where troubled waters never come !

“ But I grieve not, eagle of the empty eyrie,  
That thy wrathful cry is still ;  
That the songs alone of peaceful mourners  
Are heard to-day on Erin's hill :  
Better far, if, brothers, war be destined for us  
(God avert that horrid day, I pray),  
That, ere our hands be stain'd with slaughter fratricidal,  
Thy warm hand shall be cold in clay.

“ But my trust is strong in God, who made us brothers,  
That He will not suffer those right hands  
Which thou hast join'd in holier rites than wedlock,  
To draw opposing brands.  
Oh, many a tuneful tongue that thou mad'st vocal  
Would lie cold and silent then ;  
And songless long once more, should often widow'd Erin  
Mourn the loss of her brave young men.

“ Oh, brave young men, my love, my pride, and promise,  
'Tis on you my hopes are set,  
In manliness, in kindliness, in justice  
To make Erin a nation yet :  
Self-respecting, self-relying, self-advancing,  
In union or in severance, free and strong—  
And if God grant this, then, under God, to Thomas Davis  
Let the greater praise belong !”<sup>6</sup>

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<sup>6</sup> Written by Sir Samuel Ferguson.



## CHAPTER XXXII.

## BON-MOTS OF ATTORNEYS.

Pat Costello.—Advice to a young official—A church on a rock.  
 —A confidential question.—Paddy in the House of Commons.  
 —Phil. O'Connell.—Paddy O'Rafferty's trial for assault.—  
 Joining the army.—Tom O'Meara.—A second edition.—  
 Election practice.—A fighting fee.

My recollections of *bon-mots* are not confined to the Bar. There were several uttered by the attorneys which deserve to be placed to their credit.

The late Patrick, or, as he was popularly called, Paddy Costello, was full of drollery. His broad, strongly-marked Irish face, with short, snub nose—his twinkling grey eyes, and capacious mouth, denoted the mirth that lurked in his clever brain. He amassed a considerable fortune by Quarter Sessions practice, and, having been of great service to the Liberal party in Kilkenny, obtained a lucrative office in the Court of Queen's Bench, which he held for many years. On his retirement from office I met him at dinner at Mr. (now Sergeant) Sherlock's. This was a few days after I had received my appointment, when Paddy thus accosted me :—

“Now, I'm an ould official, and you are a young one, so just mind what I tell ye. Do as *little* in your office as ever ye can, *but do that little well.*”

Paddy had a pretty villa at Dalkey, in which he resided. Walking one day with a friend—a staunch

Protestant, while Paddy was a Roman Catholic—they crossed the granite range on which the site for Dalkey Church had, with considerable toil and labour, been cleared.

“Look there, Mr. Costello,” said his friend. “You must admit our church is built upon a rock.”

“Be my sowl,” replied Paddy, “you see it is *on a blasted rock!*”

Meeting the late respected Patrick Vincent Fitzpatrick, who for years was the secretary and treasurer to the O’Connell tribute, Costello inquired, in a pretended confidential manner,—

“I say, Pat, how much *do you allow Dan out of the rint?*”

Costello contested the representation of Waterford city with Mr. Chisholm Anstey, who, on being elected, was petitioned against. Costello went to London to watch the progress of the petition through the committee.

On presenting himself at the door of the House of Commons, when sitting, his further progress was barred by the door-keeper, who politely informed him only members were privileged to pass.

“But I’ll be a member in a week or two,” replied Paddy.

“Then you must wait until then, sir,” observed the janitor sturdily.

Paddy surveyed the officer, who, in his official dress, looked very important.

“So you won’t let me in?” persisted Paddy.

“I cannot, sir,” was the answer.

“Then I’ll tell you what, my tight fellow,” said Paddy, while a group of members waited until his

portly figure's removal permitted their advance; "when I'm declared the sitting member, the first motion I'll make will be to get the Spaker to clap a pair of plush breeches on your shapely legs!"

A shout of laughter rewarded Paddy's joke, and, I have been told, it was more to the point than the witty attorney was aware, for the door-keeper had been formerly a servant to the late Earl of Derby.

The late A. J. Maley, though a very estimable gentleman and learned member of the Bar, was not as agreeable a social companion as Paddy Costello. Maley meditated a Continental excursion, and borrowed an excellent guide-work from me—"Les Bords du Rhin." This book he not only returned, but sent it back handsomely bound. As Costello was speaking of a like vacation ramble, a mutual friend suggested they should travel together.

"What! go up the Rhine with Maley?" shouted Costello, in a tone of indignation; "bedad, I wouldn't go *down the Dodder* with him!"

Philip O'Connell, for many years an eminent practitioner in Cork, had great comic humour. He was in great practice during the Quarter Sessions, defending prisoners, and latterly filled the responsible office of Sessional Crown Solicitor for the East Riding of the county of Cork. As a sample of his skill when employed to defend, let us take, for example, the case of Paddy O'Rafferty, a stout lump of an Irish "boy" of two or three and twenty, the pride of his townland—a good hand at gaffing a salmon, sohoing a hare, leading a hurly match, or kicking the foot-ball to the goal. He was equally ready to hear mass, attend a wake, or hold the floor at the dance of his village. He

was a staunch friend, but bitter enemy, and, being suspected of having committed an aggravated assault upon a "boy" of an opposite faction, was indicted at the Quarter Sessions for the East Riding of the county of Cork for, "in and upon one Terence O'Shaughnessy, in the peace of God and our lady the Queen then and there being, did make an assault, and him, the said Terence O'Shaughnessy, then and there did beat, wound, and ill-treat; and the said Terence O'Shaughnessy with both his hands then and there did violently cast, fling, and throw, and violently and grievously did kick, strike, and beat, so that his life was greatly despaired of, and other wrongs to the said Terence O'Shaughnessy," &c. Phil. O'Connell gallantly defended the prisoner, and pleaded "Not Guilty" in the confident air of a man surprised at such an imputation being made against his peaceable client. Several of the prisoner's kith and kin were, with eager faces, and no doubt aching hearts, awaiting the issue of the trial. His wife and aged mother were there, and with intense anxiety scanned each witness as they were sworn. The "boy" in the dock seemed, outwardly, as unconcerned as any spectator in court. He was lively and cheerful, evidently wore his Sunday suit of clothes, and a smart cravat was conspicuous. Instead of evincing any trepidation as the indictment was read to him, he seemed as indifferent as if he was not affected by the document, and, when Mr. O'Connell made some technical objection to the counts, directed his glance with the air of a man curious to learn how the Chairman would decide the point.

The objection being overruled, the case went on. The witnesses were themselves members of the hostile

faction, and when Phil. O'Connell cross-examined them he forced them to admit that they gave as much as they got, and the father and brother of Paddy O'Rafferty were kilt in the scrimmage. Terence O'Shaughnessy was the principal witness. He swore that he was knocked down early in the fight, and then the prisoner came to where he lay, and gave him a wipe of a *claigh alpeen*,<sup>1</sup> and he was senseless after that. Phil. O'Connell, on cross-examination, obtained the admission "that it was not until after the prosecutor had been knocked down he saw the prisoner in the fight." Then came the question,—

"On your oath, how much drink had you taken before the row began?"

"Troth, not much."

"You are on your oath. How many of you were there?"

"Four of us."

"Did you not have half a pint of whisky a man?"

"I had my share of one."

"On your solemn oath, was it not *all but the pewter*?"

"Troth, it was."

"Go down, sir," cried Phil. triumphantly.

The Chairman, a Journey man, sent by the Lord Chancellor in place of the regular Judge, who was ill, had not much experience of this class of cases, and, to the amusement of the audience, when charging the jury, paid a high compliment to the humanity of the prisoner, who clearly only acted in self-defence. He was so humane to the prosecutor that, when he lay on

<sup>1</sup> A huge stick used in fighting.

the ground, the prisoner gave him a wipe with a *clean napkin*. This was the last act the prosecutor remembered of what occurred.

The jury acquitted the prisoner.

The case had excited considerable interest in and out of court, and grave doubts existed as to the prisoner's chances of escaping a heavy sentence, for this was the fourth time Paddy O'Rafferty had faced a jury of his fellow-countrymen. Luckily the presiding barrister was a stranger. Paddy's eloquent tribute to the skill of his advocate must not be omitted. "God bless you, Mr. O'Connell, and preserve *you* to *me*." As he emerged from the door of the Court-house, cheers and congratulations hailed him on all sides. He was supported on either side by his wife and mother, who occasionally stopped to clasp him round the neck, as if to make sure of his bodily presence. I could multiply several cases of like import, but this must suffice.

Some *bon-mots* of Phil. O'Connell are preserved. A friend of his was engaged to be married to the third daughter of Dr. Foot. At this time the friend was expecting a commission in the Line. The late Judge Berwick asked Phil. O'Connell, "Is it true our friend is joining the army?"

"Quite true, Judge," replied Phil. "He is attached to the 3rd Foot."

Thomas O'Meara, better known by the initials T. O. than the Christian and patronymic, was a fine specimen of an Irish attorney. He was highly connected, and had the ease and manner of what he was—a well-bred gentleman. His quaint humour may be inferred

from his dialogue with the Lord Chancellor, the haughty Earl of Clare, already quoted. He had the reputation of being a practised duellist, and was second in a duel in which Sir Richard Musgrave, author of a "History of Ireland," was one of the principals. The book was so inaccurate that the author was advised to issue a new and improved edition. A friend said to T. O., "I hope nothing will happen to him before the new edition is published."

"By all that's fair in war," replied T. O., "his next edition *will be in boards.*"

T. O.'s reputation for ball practice obtained him lucrative engagements as conducting agent during the contested elections in Ireland. He perfectly understood what the unusually large retaining fee meant, and took his measures accordingly. Observing a brother practitioner leaving his post in a hurry, T. O. inquired, "Where are you going in such haste?"

"To my lodgings for my pistols," was the response.

"Oh!" exclaimed the more experienced practitioner, "I always keep mine under the poll lists."

He was conducting agent for a parsimonious candidate, who was severely spoken of by an opposing elector. The candidate was called "a renegade in religion, a dishonest politician, and disloyal to his country as to his creed."

"My God, Mr. O'Meara! do you hear that?" asked the would-be member, quivering with rage.

"Every word of it," replied T. O. "Sure I'm not stone deaf."

"And don't you mean to take notice of it?"

"Most certainly not. Your fee, sir, was not a fighting fee," replied the renowned T. O.

He was a fine old Irish gentleman of the olden time when I met him, and enjoyed his reminiscences of other days, and his sporting songs, "The Kilcudding Hunt," and "Jackson's Morning Brush," which he sang with great humour. He lived in a large mansion near Blackrock, Co. Dublin, and to the last preserved his excellent spirits and kindly disposition.

Here, for the present, I conclude my book of the Irish Bar. I have written, to the best of my ability, the lives of men who for the greater number were an honour to Ireland, and whose memory ought to be dear to Irishmen. I have preserved many anecdotes and *bon-mots* which might otherwise be forgotten or incorrectly quoted. I trust I have done something to preserve "the genius that inspired, the talent that warmed, the wit that relieved the wisdom, and the wisdom that enlivened the wit, the generous emulation that cherished while it contended, the spotless honour which shone no less in the hereditary honour of the high-born than in the natural integrity of the more humble aspirants; but, above all, of that lofty and unbending patriotism that at once won the confidence of the country, and gave an inspiring dignity to the national character of the Irish Bar." Such was the reputation of the Irish Bar in the past, such is its reputation now, and it rests with its members to study the lives contained in this work, and inculcate the lessons they teach, so as to maintain its reputation in the future.



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